

CITY COUNCIL MEETING

**November 9, 2010
7:00 P.M.**

AGENDA

City of



“Where Dreams Can Soar”

The City of Bonney Lake’s Mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

Website: www.ci.bonney-lake.wa.us

SIGN-UP TO SPEAK FOR SPECIFIC ACTION ITEMS ON THE AGENDA: *If you have signed-up prior to the Council meeting to speak with respect to a particular ordinance or resolution appearing on the agenda, you will be recognized to address the Council for up to one minute before the Council takes action on that item. Those wishing to address such items on the “Consent Agenda” should do so during the “Citizen Comments” portion of the Agenda. If the Council chooses to discuss the item further after taking comments, they may restrict additional public comment before taking action. Please look for the sign-up sheets near the Council Chamber doorway. (See Item II B. for Citizen Comments on other items of City business.)*

I. CALL TO ORDER – Mayor Neil Johnson, Jr.

A. Flag Salute – Mayor Neil Johnson, Jr.

B. Roll Call:

Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember James Rackley.

[Management Staff expected to be in attendance: City Administrator Don Morrison, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Administrative Services Director/City Clerk Harwood Edvalson, Community Services Director Gary Leaf, and City Attorney Jim Dionne.]

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments: None.

3. Presentations:

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a. Proclamation: Great American Smoke Out

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b. Planning Commission – **AB10-150 – Ordinance D10-150** – Accessory Dwelling Units in R-1 Zone as a Conditional Use.

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c. Planning Commission – **AB10-172 – Ordinance D10-172** – Amending the Transportation Improvement Element of the Comprehensive Plan.

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d. Planning Commission – **AB10-174 – Ordinance D10-174** – Amending the Eastown Subarea Plan Element and BLMC in regards to the Eastown Design Standards.

D. Agenda Modifications:

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

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A. Public Hearings:

1. **AB10-177 – Ordinance D10-177** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting The Amount Of The Annual Ad Valorem Tax Levy Necessary For The Fiscal Year 2011.

B. Citizen Comments:

You may address the City Council on matters of City business for up to 5 minutes. Those commenting about ordinances or resolutions on the “Consent Agenda” should limit their comments to one minute per item. When recognized by the Mayor, please state your name and address for the official record. Designated representatives speaking on behalf of a group may take up to 10 minutes on matters of general City business.

C. Correspondence: [A 1.2]

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee

B. Community Development Committee

C. Public Safety Committee

D. Other Reports

IV. CONSENT AGENDA:

The items listed below may be acted upon by a single motion and second of the City Council. By simple request to the Chair, any Councilmember may remove items from the Consent Agenda for separate consideration after the adoption of the remainder of the Consent Agenda items.

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- ### A. **Approval of Corrected Minutes:** October 19, 2010 Council Workshop and October 26, 2010 Council Meeting.

- ### B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #59817 thru 59878 (including wire transfer # 6433216) in the amount of \$133,331.44; Accounts Payable checks/vouchers #59879 thru 59883 for utility refunds in the amount of \$6,510.50.

- ### C. **Approval of Payroll:** Payroll for October 16 - 31, 2010 for checks 29395-29420 including Direct Deposits and Electronic Transfers in the amount of \$568,595.47.

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- ### D. **AB10-158 – Resolution 2075** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Sign an Agreement to Amend the Agreement for Water Service With Gary and Carol Thieman.

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- ### E. **AB10-167 – Resolution 2080** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Development Agreement With Swiss Sportmans Club Of Tacoma.

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- ### F. **AB10-168 – Resolution 2081** – A Resolution of the City of Bonney Lake, Pierce County, Washington, Awarding the North Lake Debra Jane Water Main Replacement Project to Jennings Northwest LLC.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

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A. **AB10-179** – A Motion Of The Bonney Lake City Council Setting A Joint Special Meeting With The Planning Commission And Design Commission For 5:30 P.M. On November 18, 2010 In The City Council Chambers.

IX. EXECUTIVE SESSION: Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

X. ADJOURNMENT

For citizens with disabilities requesting translators or adaptive equipment for communication purposes, the City requests notification as soon as possible of the type of service or equipment needed.

THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA

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Proclamation

WHEREAS, the U.S. Surgeon General has said that smoking remains the single most preventable cause of premature death in our society; and

WHEREAS, for thirty years millions of smokers have participated in the American Cancer Society's Great American Smoke-out, a day on which they give up cigarettes for twenty-four hours; in the hope they may quit permanently; and

WHEREAS, a significant number of those who gave up cigarettes for the day were able to give up the habit entirely; and

WHEREAS, this demonstration of success suggests that the Great American Smoke-Out has potential for improving the health of the citizens and employees of the City of Bonney Lake.

NOW, THEREFORE, I, Neil Johnson, Jr., Mayor of the City of Bonney Lake, Washington, do hereby proclaim **November 18, 2010**, as:

The Great American Smoke-Out Day

in the City of Bonney Lake and encourage all employees and citizens to give up smoking today.

Signed this 9th day of November 2010.

Neil Johnson, Jr., Mayor

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City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: CD / Heather Stinson	Meeting/Workshop Date: 9 November 2010	Agenda Bill Number: AB10-150
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D10-150	Councilmember Sponsor:

Agenda Subject: Allowing ADU's in R-1 as a conditional use

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Updating R-1 Zoning To Allow Accessory Dwelling Units As A Conditional Use .

Administrative Recommendation:

Background Summary: In 2009 when those properties zoned R-2 on Inlet Island and the Church Lake area were downzoned to R-1, the main complaint heard by property owners in that area was that R-1 no longer allowed them to build Accessory Dwelling Units (ADU's). In May of 2010, City Council added an item to the Planning Commission workplan to consider allowing ADU's in R-1. The Planning Commission recommends that ADU's be allowed in R-1 as a conditional use only.

Attachments: Draft Ordinance; Planning Commission recommendation memo

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Community Development	<i>Approvals:</i>	Yes No
	Date:	Chair/Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>
	Forward to:	Consent	
		Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Commission/Board Review:	10/20/10		
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director: JVP	Mayor:	Date Reviewed by City Attorney: (if applicable):



Community
Development
Department

Memo

Date : November 3, 2010
To : Mayor, City Council
From : Grant Sulham, Chair, Planning Commission
CC :
Re : **Accessory Dwelling Units as a Conditional Use in R-1**

In 2009 when those properties zoned R-2 on Inlet Island and the Church Lake area were downzoned to R-1, the main complaint heard by property owners in that area was that R-1 no longer allowed them to build Accessory Dwelling Units (ADU's). In May of 2010, City Council added an item to the Planning Commission workplan to consider allowing ADU's in R-1.

Currently Accessory Dwelling Units (ADU's) are defined by BLMC 18.04.010 as:

A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate structure on the same lot as the primary dwelling for use as a complete, independent living facility with provision within the accessory unit for cooking, eating, sanitation, sleeping and entry separate from that of the main dwelling. Such a dwelling is an accessory use to the main dwelling. Accessory units are also commonly known as "mother-in-law" units or "carriage houses."

The requirements of ADU's are regulated by BLMC 18.22.090 which in summary require:

1. Only one ADU per lot.
2. A minimum of 300 square feet and a maximum of 1,200 square feet.
3. Shall not exceed 45 percent of the total square footage of the primary and accessory residences, excluding any related garage and stair areas.
4. Have one parking space in addition to those required by the main residence.
5. Be designed to be compatible with the existing residence.

ADU's are currently allowed in all of the residential zones except R-1 including RC-5, R-2 and R-3. They are not factored into density calculations.

The pros and cons of allowing ADU's in R-1 include the following:

Pros	Cons
- Allows property owners to house aging parents and adult children just starting out.	- Creates a situation in which all residential zones essentially become multi-family zones except in those areas with Covenants that prohibit ADU's. While this may not be a downside in and of itself, it may be perceived as such.
- Affords property owners extra income	- Potential for parking issues if not regulated.
- Provides affordable housing options	
- Helps the City meet its Comprehensive Plan and Buildable Lands housing and density goals.	
- Infill development takes advantage of existing infrastructure so new lines don't have to be extended. (i.e. does not create suburban sprawl)	
- Potential for increased revenue to the City for infrastructure maintenance and improvement	
- Has the potential for providing more affordable housing options for local workers.	
- "Landlord" resides on the premises so is more likely to maintain the property.	

In any situation where zoning allows increased density and more than one family on a lot, there is often a perception by the single-family home owners that property values will be affected negatively by the allowance of Accessory Dwelling Units. Also, the perception of rental properties is that they are not taken care of as well as those properties where the property owners reside.

In regards to the latter, there are some zoning codes that try to remedy this situation by requiring that the primary residence be occupied by the property owner. This attempts to prevent both the primary residence and ADU from being rented out, and keep the property owner on site to perform property maintenance. BLMC currently does not have this provision and that may be because this provision is difficult to enforce. The City is not informed when a property owner rents out a property.

In terms of property values, an Accessory Dwelling Unit typically increases the property value of the property that the Unit is on.

The Planning Commission finds that ADU's may be beneficial in R-1 but we are concerned with the negative impacts that an ADU might create in a single-family neighborhood. Making ADU's subject to the requirements of a Conditional Use permit gives the City the opportunity to condition site-specific issues.

In addition, the Planning Commission recognizes that the Shoreline Master Plan may be more restrictive in terms of allowing ADU's and that these regulations should be followed on properties within 200 feet of Lake Tapps.

Recommendation:

The Planning Commission recommends that the City Council adopt the attached ordinance which allows ADU's in R-1 as a Conditional Use.

ORDINANCE NO. D10-150

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, UPDATING R-1 ZONING TO ALLOW ACCESSORY DWELLING UNITS AS A CONDITIONAL USE

WHEREAS, The purpose of this ordinance is to allow for accessory dwelling units in the R-1 zone as a conditional use; and

WHEREAS, the State Environmental Policy Act was complied with through the issuance of a DNS on October 4, 2010; and

WHEREAS, the Planning Commission conducted a public hearing on October 6, 2010; and

WHEREAS, the Planning Commission issued a recommendation for passage of this Ordinance on November 3, 2010; and

WHEREAS, a letter requesting review of this ordinance by the Washington State Department of Commerce was mailed on September 7, 2010.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. BLMC Chapter 18.14.040 is hereby amended to read as follows:

18.14.040 Conditional uses.

The following conditional uses are permitted on a lot in this district:

A. Educational Facilities.

1. Junior high, high schools and junior colleges, public or private.

B. Commercial Uses.

1. Hospitals; provided the criteria in BLMC 18.22.040 are met.

C. Municipal offices.

D. Single-family residences, attached, on lots within subdivisions.

E. Lots with reduced dimensional requirements per BLMC 18.14.060(H) within subdivisions.

F. Accessory Dwelling Units; provided that on properties within 200 feet of a shoreline of statewide significance, the development must meet the provisions of the City's Shoreline Master Plan, and provided the criteria in BLMC 18.22.090(C) are met.

Section 2. If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 3. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2010.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:

**City of Bonney Lake, Washington
City Council Agenda Bill (AB)**

Department/Staff Contact: CD / Heather Stinson	Meeting/Workshop Date: 9 November 2010	Agenda Bill Number: AB10-172
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D10-172	Councilmember Sponsor:

Agenda Subject: Planning Commission presentation of the Comprehensive Plan amendment to the Transportation Element

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Transportation Element Of The Comprehensive Plan .

Administrative Recommendation:

Background Summary: In 2008, the City was denied a transportation grant from Puget Sound Regional Council (PSRC) due to the fact that the Transportation Element of our Comprehensive Plan is inconsistent with our Land Use Element. Staff reviewed these elements and in discussions with PSRC concluded that it wasn't an easy fix. Most likely the City will need to hire a consultant in order to update the Transportation Element. However, due to budget constraints, the City is unable to hire a consultant to do the work at this time. As an interim measure, staff at PSRC recommended that the attached language be added to our Transportation Element showing that the City is working toward a solution. The Planning Commission is aware that this interim measure will not allow us to receive grant monies from PSRC, but will allow us to begin the grant application process.

Attachments: Draft Ordinance; Planning Commission recommendation memo

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Community Development	<i>Approvals:</i>	Yes No
Date:		Chair/Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>
	Forward to:	Consent Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Commission/Board Review:	10/6/10		
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director: JVP	Mayor:	Date Reviewed by City Attorney: (if applicable):



Community
Development

Memo

Date : October 20, 2010
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
CC :
Re : **Update of the Transportation Element of the Comprehensive Plan**

BACKGROUND

In 2008, the City was denied a transportation grant from Puget Sound Regional Council (PSRC) due to the fact that the Transportation Element of our Comprehensive Plan is inconsistent with our Land Use Element. Staff reviewed these elements and in discussions with PSRC concluded that it wasn't an easy fix. Most likely the City will need to hire a consultant in order to update the Transportation Element. However, due to budget constraints, the City is unable to hire a consultant to do the work at this time.

As an interim measure, staff at PSRC recommended that the attached language be added to our Transportation Element showing that the City is working toward a solution. The Planning Commission is aware that this interim measure will not allow us to receive grant monies from PSRC, but will allow us to begin the grant application process.

Recommendation:

The Planning Commission recommends that the City Council adopt the attached draft ordinance which updates the Transportation Element of the City's Comprehensive Plan.

In addition, the Planning Commission recommends that City Council consider providing funds for a Transportation consultant in the current budget cycle to ensure eligibility for PSRC grant funds in the future.

ORDINANCE NO. D10-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN.

WHEREAS, on May 25, 2010 the City Council adopted the Planning Commission annual work plan that included consideration of making changes to the Transportation Element of the Comprehensive Plan; and

WHEREAS, a Notice of Public Hearing was issued on September 21, 2010; and

WHEREAS, the Planning Commission conducted a public hearing on October 6, 2010; and

WHEREAS, at the October 20, 2010 Planning Commission meeting the Planning Commission recommended that the City Council update the language in the Transportation Element of the Comprehensive Plan; and

WHEREAS, SEPA has been complied with via a Determination of Non-Significance issued on October 19, 2010; and

WHEREAS, RCW 36.70A.106 requiring a 60 day review by the Washington State Department of Commerce has been complied with; and

WHEREAS, this is one of three Comprehensive Plan amendments concurrently coming before the City Council; and

WHEREAS, the criteria for amending the Comprehensive Plan set forth in BLMC § 14.140.090 are: 1) the amendments are consistent with the goals and policies of the Comprehensive Plan, 2) the comprehensive plan would remain internally consistent, 3) the amendments are consistent with the Countywide Planning Policies, 4) the amendments are consistent with the Growth Management Act, and 5) the amendments advance the public health, safety, or welfare and are in the best interest of the residents of Bonney Lake; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. New language shall be added to the Transportation Element, directly following the “Employment Growth” section as follows:

Land Use Assumption Consistency

Land capacity, population, and employment growth information is found within the Land Capacity section of the Land Use Element of the Comprehensive Plan (page 3-5). Figure 3-3 of the City's Comprehensive Plan projects the population of Bonney Lake to be 27,284 by 2022. This figure was calculated by starting with the 2003 population and projecting a 4% growth rate each year until 2022. Table 6 of the Transportation Element projects the population of Bonney Lake to be 29,800 by 2025. This number was derived by taking the 27,284 figure from Figure 3-3 and assuming a 3% growth rate from 2022 to 2025. The City grew an average of 5.3% per year between 2002 and 2006 which lead to the differences in population projections with the County's projections the City's Comprehensive Plan.

The methodologies used for projecting housing units are different in the Land Use Element and Transportation Element. The dwelling units in the land use element were derived by using the methodology explained in Figure 3-2. The dwelling units in the Transportation Element were estimated by breaking down Transportation Analysis Zones (TAZ) and estimating the potential housing unit count within the City Limits within each TAZ.

Consistent with State Law (RCW 36.70A.130) and based upon the availability of funding; the City intends to update the land capacity and population growth sections throughout the comprehensive plan in conjunction with the mandated requirement to take action to review and, if needed, revise the comprehensive plan and development regulations to ensure compliance with the requirements of the Growth Management Act. Such review and revision will include, but would not be limited to an evaluation of the then current version of the Pierce County Buildable Lands Report and analysis of any 'reasonable measures' that may be necessary to rectify inconsistencies between observed and assumed densities or to resolve insufficient land capacity in accommodating future residential or employment needs. This update will result in consistent assumptions for land use, population, housing, employment, and transportation being used throughout the Comprehensive Plan

Section 2. This Ordinance concerns powers vested solely in the Council, it is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2010.

Neil Johnson, Mayor

ATTEST:

Harwood Edvalson
City Clerk

APPROVED AS TO FORM:

James Dionne
City Attorney

Passed:

Valid:

Published:

Effective Date:

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City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: CD / Heather Stinson	Meeting/Workshop Date: 9 November 2010	Agenda Bill Number: AB10-174
Agenda Item Type: Presentation	Ordinance/Resolution Number: D10-174	Councilmember Sponsor:

Agenda Subject: Planning Commission presentation of Comprehensive Plan amendment to the Eastown Subarea Plan element and BLMC in regards to the Eastown design standards.

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, [^]

Administrative Recommendation:

Background Summary: The design standards currently in the Eastown Comprehensive Plan element are problematic because they are in the Comp Plan and not the development regulations. The draft ordinance takes them out of the Comp Plan and adds them to the municipal code. In addition, preliminary meetings with developers revealed that the current design standards may prohibit some businesses that the City would like to see in Eastown from coming to the City. Some of the design standards are proposed to change, specifically the standard that prohibits parking between SR 410 and a building.
Attachments: Draft Eastown subarea element; Planning Commission recommendation memo

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Community Development	<i>Approvals:</i>	
Date:		Chair/Councilmember NAME	Yes No <input type="checkbox"/> <input type="checkbox"/>
		Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>
Forward to:		Consent	
Commission/Board Review: 10/6/10		Agenda:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director: JVP	Mayor:	Date Reviewed by City Attorney: (if applicable):

ORDINANCE NO. D10-174

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING THE EASTOWN SUBAREA PLAN AND ADOPTING THE EASTOWN DESIGN STANDARDS BY REFERENCE INTO THE BONNEY LAKE MUNICIPAL CODE AND UPDATING THE LANDSCAPING REQUIREMENTS FOR PARKING LOTS

WHEREAS, on May 25, 2010 the City Council adopted the Planning Commission annual work plan that included consideration of making changes to the Eastown Plan; and

WHEREAS, a Notice of Public Hearing was issued on September 21, 2010; and

WHEREAS, the Planning Commission conducted a public hearing on October 6, 2010; and

WHEREAS, at the October 20, 2010 Planning Commission meeting the Planning Commission recommended that the City Council update the language in the Eastown Subaread Plan; and

WHEREAS, SEPA has been complied with via a Determination of Non-Significance issued on October 19, 2010; and

WHEREAS, RCW 36.70A.106 requiring a 60 day review by the Washington State Department of Commerce has been complied with; and

WHEREAS, this is one of three Comprehensive Plan amendments concurrently coming before the City Council; and

WHEREAS, the criteria for amending the Comprehensive Plan set forth in BLMC § 14.140.090 are: 1) the amendments are consistent with the goals and policies of the Comprehensive Plan, 2) the comprehensive plan would remain internally consistent, 3) the amendments are consistent with the Countywide Planning Policies, 4) the amendments are consistent with the Growth Management Act, and 5) the amendments advance the public health, safety, or welfare and are in the best interest of the residents of Bonney Lake; and

WHEREAS, the proposed integration of the Eastown Design Standards into the Bonney Lake municipal code makes the plan more enforceable.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new section 18.33 shall be added to Title 18, Zoning to read as follows:

**Chapter 18.33
Eastown Development Standards**

Sections:

18.33.010 Document adopted by reference.

18.33.010 Document adopted by reference.

The city hereby adopts by reference the Eastown Development Standards, section 7 of the Eastown Subarea Plan. These standards shall have the same force and effect as if they were published in full in this municipal code. The city clerk shall sign and file with the adopting ordinance codified in this chapter a copy of the Eastown Development Standards adopted by reference herein and shall also file and maintain in the city clerk's office at least one copy of such standards in the form in which they were adopted for use and examination by the public.

Section 2. The Eastown Future Road Network map (Figure 6) shall be replaced with Attachment A of this ordinance.

Section 3. Private Roadway Section – Option A (Figure 8) shall be eliminated.

Section 4: Figure 9 shall be retitled to read “Private Roadway Section.”

Section 5: The Eastown Preliminary Sewer Design (pg. 45) shall be replaced with Attachment B of this ordinance.

Section 6: Section 7 of the Eastown Development Standards shall be removed from the comprehensive plan and modified as follows:

Eastown Development Standards

Land use and development standards provide for coordinated site development which is a crucial element in the creation of a commercial district with interconnected parking, complementary site design, and a logical infrastructure. The standards incorporated in this plan builds upon the goals and policies established in the Community Character and Design Element of the Bonney Lake Comprehensive Plan. Minor variations may be permitted to allow for topographic constraints, flexibility for coordinated design, and creativity.

1. Site Design

All requirements of Chapter 18.29, ~~Combined Retail Commercial, Warehousing and Light Manufacturing District (C2/C3)~~ applicable zoning shall be met, except as modified in this Plan.

1. All site plans shall include sufficient detail to determine compatibility with development already situated in the area and future development on adjacent undeveloped parcels.
- ~~2. Development of parcels fronting on SR 410 must locate buildings adjacent to the edge of the proposed future right-of-way.~~
- ~~3. At least 50 percent of building façades facing SR 410 must be glazed.~~
24. Commercial sites divided into outlying pads for small tenants must be configured to ensure that buildings create a strong street edge.

~~7.2~~ **Setbacks from Right-of-Way**

- ~~1. Minimum building setback from SR 410 or proposed future right-of-way of SR 410: 4 feet (to be additional sidewalk width).~~

- ~~2. Minimum building setback from other public/private roads: 0 feet.~~
- ~~3. The setback area between the building and the edge of the future right-of-way must be developed with landscaping, a widened sidewalk or other pedestrian-friendly features. In no case can the area be utilized for improvements that could create a barrier between the building and the sidewalk or create an unsightly pedestrian environment.~~

23 Coordinated Site Planning

1. The City of Bonney Lake encourages cooperation among landowners to prepare overall development plans that provide for coordinated development and access between adjoining parcels.

2. Lighting:

Lighting shall comply with the following:

- ~~a. Lighting levels shall not spill onto adjacent properties.~~
- ~~b. Lighting shall be provided in all loading, storage, and circulation areas, but shall incorporate cut-off shields to prevent off-site glare.~~
- ~~c. Lighting standards shall not reduce the amount of landscaping required for the project.~~

3. Drive-through facilities:

Drive-through facilities, such as banks, cleaners, fast food, drug stores and service stations, etc., shall comply with the following:

- ~~a. Drive-through windows and stacking lanes are not encouraged along facades of buildings that face a right-of-way. If they are permitted in such a location, then they shall be visually screened from such street by Type III landscaping and/or architectural element, or combination thereof; provided, such elements reflect the primary building and provide appropriate screening.~~
- ~~b. The stacking lane shall be physically separated from the parking lot, sidewalk, and pedestrian areas by Type III landscaping and/or architectural element, or combination thereof; provided, such elements reflect the primary building and provide appropriate separation. Painted lanes are not sufficient.~~
- ~~c. Drive-through speakers shall not be audible off-site~~

3.4 Parking

1. Site plans shall provide information on how proposed developments relate to the planned roadway network.
2. Commercial developments shall provide coordinated internal circulation and connected parking facilities.
2. All new development shall accommodate joint use of driveways.
3. New driveways shall be spaced as specified in the Access Management chapter of the Eastown Development Plan.
4. Well-defined walkways must be designed into all parking lots containing over 100 cars. At least one walkway must be provided for every four rows of parking. Interconnections between walkways should be provided to create safe walking conditions throughout the parking lot.

5. ~~Sites should be designed to avoid the appearance of domination by automobiles. This may be achieved by:~~
 - a) ~~placing berms and landscaping or architecturally treated walls between the street and the parking lot where adjacent to roadways;~~
 - b) ~~incorporating clusters of existing trees and vegetation within parking areas;~~
 - e) ~~locating parking lots behind buildings;~~
 - d) ~~designing lots into smaller interconnected areas rather than large, single-use lots.~~
6. ~~On parcels fronting SR 410, no parking shall be located between the building and the front property line. On corners, no parking shall be located between the building and either of the two front property lines. the area between the building and front property line shall be limited to required frontage improvements, landscape buffers and a maximum of two rows of parking stalls that must be devoted to customers and / or employees and must include a 20 foot drive aisle.~~
7. Multifamily developments shall provide visitor parking at a ratio of one visitor parking space per five dwelling units. This parking may be accomplished by designating visitor spaces within a parking lot or by creating on-street parking on private internal roads.
8. Bicycle parking must be provided in all new parking lots. A minimum of one bicycle parking space per ten vehicle spaces must be provided, with a maximum ten bicycle stalls per parcel. Bicycle parking areas should be:
 - a) located in a covered, secure area;
 - b) accessible by means other than stairs;
 - c) separated from vehicle parking areas by physical barriers such as bollards, posts, or landscaping;
 - d) located adjacent to each building within a multi-building complex.

4.5 Pedestrian Circulation

1. Pedestrian walkways must provide direct and convenient connections between all roadways, parking lots and building entrances.
2. Pedestrian and bicycle linkage shall be provided between adjacent developments.
3. Internal sidewalks must extend to property lines to assure pedestrian connections between adjacent developments.

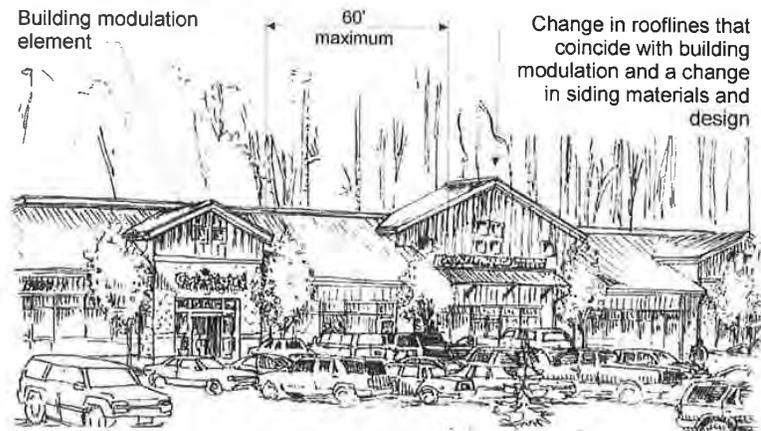
5.6 Landscaping and Tree Retention

All projects must comply with Chapter 16.12 Land Clearing and Landscaping of the City of Bonney Lake Municipal Code ~~except as modified in this plan.~~

1. ~~Areas between the building and street shall be landscaped. Landscaping between the street and parking areas must be bermed or designed in such a manner as to obscure development from the street.~~
2. ~~Trees and other landscape features shall be used in parking areas to promote pedestrian safety, provide shade, and reduce visual impacts of large parking areas and buildings.~~
 - a) ~~Parking lots containing over 20 stalls shall have a minimum of one interior tree for every six parking stalls;~~
 - b) ~~Trees shall be evenly distributed between parking rows or stalls throughout the parking lot;~~
 - e) ~~Trees shall be planted in landscape islands that are a minimum of six feet wide and no more than two feet shorter than the length of the adjacent stall.~~

6.7 Building Design

1. ~~The front façade of all buildings immediately adjacent to the street right of way shall be oriented toward the street.~~
12. Development over five acres shall provide a plaza or other exterior gathering space equivalent to at least 5% of the overall acreage of the site. The plaza design must include gathering areas with benches or seating spaces, landscaping and trash receptacles.
23. Buildings located on a corner are encouraged to incorporate special architectural elements.
3. Multi-story commercial buildings and commercial buildings wider than 100 feet (measured along walls adjacent to streets and / or front entrances) shall include at least three of the following articulation features along all facades at intervals of no more than 60 feet:
 - a) Providing building modulation of at least 2 feet in depth and 4 feet in width.
 - b) Repeating distinctive window patterns at intervals less than the articulation interval.
 - c) Providing a covered entry or separate weather protection feature for each articulation interval.
 - d) Change of roofline.
 - e) Changing materials and/or color with a change in building plane.
 - f) Providing lighting fixtures, trellis, tree, or other landscape feature within each interval.
 - g) Other methods that meet the intent of the standards as approved by the Director.



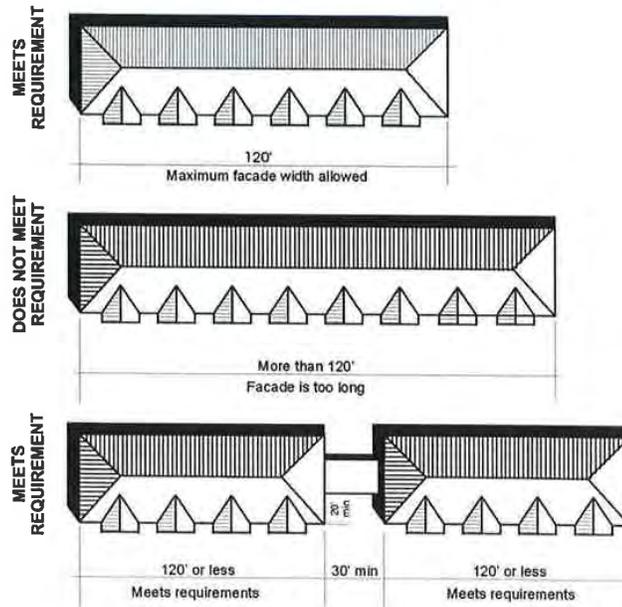
4. All residential buildings and residential portions of mixed-use buildings shall include at least three of the following modulation and/or articulation features at intervals of no more than 30 feet along all facades facing a street, common open space, and common parking areas:
 - a) Repeating distinctive window patterns at intervals less than the required interval.
 - b) Vertical building modulation. Minimum depth and width of modulation is 18 inches and 4 feet (respectively) if tied to a change in color or building material and/or roofline modulation. Otherwise, minimum depth of modulation is 10 feet and minimum width for each modulation is 15 feet. Balconies may not be used to meet modulation option

unless they are recessed or projected from the façade and integrated with the building's architecture as determined by the Director. For example, "cave" balconies or other balconies that appear to be "tacked on" to the façade will not qualify for this option



Cave balconies (left) and tack-on balconies (right) such as these will not qualify as vertical building modulation.

- c) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet.
 - d) Articulation of the building's top, middle, and bottom. This typically includes a distinctive ground floor or lower floor design, consistent articulation of middle floors, and a distinctive roofline.
5. The maximum façade width (the façade includes the apparent width of the structure facing the street and includes required modulation) is 120 feet. Buildings exceeding 120 feet in width along the street front shall be divided by a minimum 30-foot wide modulation of the exterior wall, so that the maximum length of a particular façade is 120 feet. Such modulation must be at least 20 feet or deeper and extend through all floors. Other design features will be considered by the Director that effectively break up the scale of the building and add visual interest. This could include a combination of a clear change in vertical articulation and a contrasting change in building materials and/or finishes.



This buildings exceeding 120 feet in width along the street front, but is divided by a 30-foot wide *modulation* of the exterior wall, so that the maximum length of a particular *façade* is 120 feet or less. Such *modulation* must be at least 20 feet or deeper and extend through all floors.

6. Multiple building commercial developments are encouraged to employ a variety of colors, building materials, and architectural treatments to reduce monotony.



7.8 Environmental Protection

All development in Eastown must comply with the standards set forth in Title 16 of the City of Bonney Lake Municipal Code.

Section 7. BLMC 16.14.100 shall be amended to read as follows:

16.14.100 Parking lots.

Parking areas accommodating five or more cars shall have: Interior parking lot landscaping. Landscaping is required within parking lots to provide shade, reduce pavement heat gain and adjacent building heating during the summer, and soften the appearance of large paved areas.

A. Type III buffers installed along interior, non-street property lines when the adjoining property is not also devoted to parking; Minimum area of landscaping. A minimum of 10 percent of the total off-street parking area shall be landscaped with trees, shrubs, and groundcover; except that this requirement may be reduced during Design Review where it is determined that the specific proposed landscape design will better achieve the intent of this Subsection. The perimeter landscaping required by Subsection C.5 shall not be considered part of the required parking lot landscaping.

B. At least five percent of their surface area, including maneuvering areas but excluding Type III buffer areas, devoted to Type IV buffers to provide tree canopy, improve appearance, and reduce stormwater runoff; and Shading requirement. Canopy trees shall be provided throughout the parking area at the equivalent of one tree for every four spaces, to provide shade. The required trees may be clustered if approved during Design Review.

C. Sufficient number, species, and distribution of trees in Type III and Type IV buffers that, upon maturity, tree canopy shall cover at least 30 percent of parking and maneuvering areas, not counting receiving and refuse areas. Planter dimensions. Planters with trees shall have a minimum interior dimension of five feet by five feet. All ends of parking lanes shall be separated from drive aisles by landscaped islands. Diamond shaped landscaped areas shall not be permitted. See Figure 16-1 for appropriate planter designs.

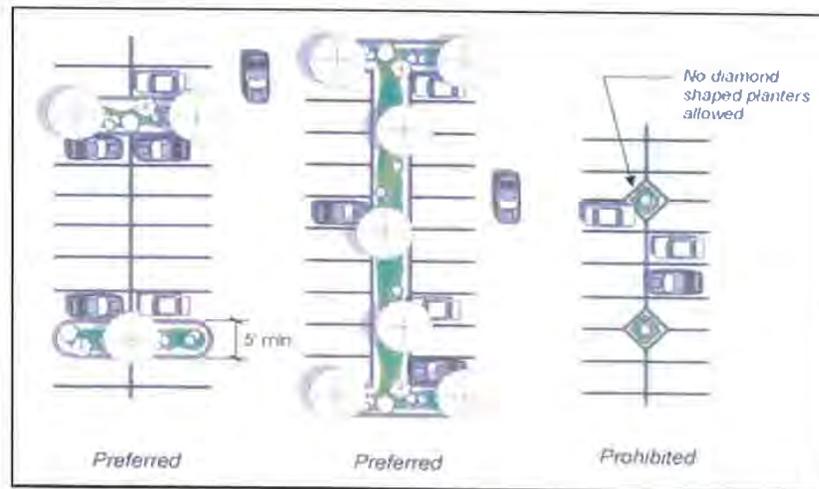


Figure 16-1. Parking Lot Planter Areas

D. Larger projects. Parking lots with more than 150 spaces shall provide a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, enhanced paving, and project identification.

Section 8. This Ordinance concerns powers vested solely in the Council, it is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law

PASSED by the City Council and approved by the Mayor this ____ day of _____, 2010.

Neil Johnson, Mayor

ATTEST:

Harwood Edvalson
City Clerk

APPROVED AS TO FORM:

James Dionne
City Attorney

Passed:

Valid:

Published:

Effective Date:



Memo

Date : October 20, 2010
To : Mayor and City Council
From : Grant Sulham, Planning Commission Chair
CC :
Re : **Eastown Subarea Plan**

BACKGROUND

The Eastown Subarea Plan currently makes up one of the ten elements of the City's Comprehensive Plan. Section 7 of the Eastown Subarea Plan contains design guidelines that are supposed to be required of developments in Eastown. Enforcing these design guidelines has been problematic in part because they conflict with zoning regulations but also because case law has clarified that it is zoning regulations and not Comprehensive Plan design guidelines that developers are legally bound to abide by. It is for this reason that the attached draft ordinance proposes to remove Section 7 of the Eastown Element of the Comprehensive Plan and place these guidelines in the municipal code instead. Since the Downtown Design guidelines are also contained in the municipal code, an additional benefit of moving the Eastown guidelines is that administration of Design Standards generally more efficient.

In addition to moving the Eastown design guidelines to the municipal code, the relevance of the design guidelines themselves was considered. The current design standards don't allow for any parking between SR 410 and any buildings in Eastown. This requirement had the possibility of precluding some development that might be desirable in Eastown such as big box retailers and vehicle sales lots. The attached draft allows some parking between SR 410 and buildings built in this area. It also allows for vehicle sales but precludes the "sea of parking" aesthetic.

The attached draft ordinance also adds some design requirements that aren't represented in the current guidelines. Among these are:

1. Design modulation for large scale buildings that break up long, large walls.
2. Drive- thru uses are allowed (as is currently the case), but the drive-thru lanes adjacent to any right of way are discouraged but require extra landscaped screening if built.
3. Adds a minimum requirement for visitor parking in multi-family developments.
4. Adds some minimum lighting requirements.
5. Adds a minimum size to the currently required pedestrian plaza for sites over 5 acres in size.

In addition, the attached draft ordinance eliminates the specific landscaping requirements of the Easttown Design Standards and updates the municipal code in regards to landscaping required in all commercial parking lots. Currently the requirement is that at maturity, 30% of parking and maneuvering areas in commercial parking lots must be covered by tree canopy. It's a difficult requirement to meet for developers and administer for staff. The proposed replacement language provides a ratio requirement of 1 tree per four parking spaces. The proposed changes would apply to the entire city.

The Commission understands that the original vision of Easttown was more light industrial in nature. The design changes recommended by the attached memo don't prevent industrial parks or industrial uses. If Council has ideas about limiting the kinds of uses in Easttown, it may better be addressed by zoning use regulations rather than design elements.

In addition to the above, the attached maps represent proposed replacements of the existing maps. The proposed Future Road Network map more closely reflects where existing development plans are building roads in Easttown as well as comments that we've received from Developers and our legal department about the feasibility of the placement of roads.

The attached proposed Sewer map reflects the most current proposed City construction of a sewer system in Easttown.

In discussing Easttown versus Midtown, the Commission felt that while Easttown was originally intended to be more light industrial in nature, the interest from developers appears to be going more in the direction of big box retail. With the location of SR 410 bisecting both Midtown and Easttown, neither area is anticipated to be pedestrian oriented adjacent to SR 410 but in both areas there are opportunities for pedestrian-friendly areas internal to overall site development.

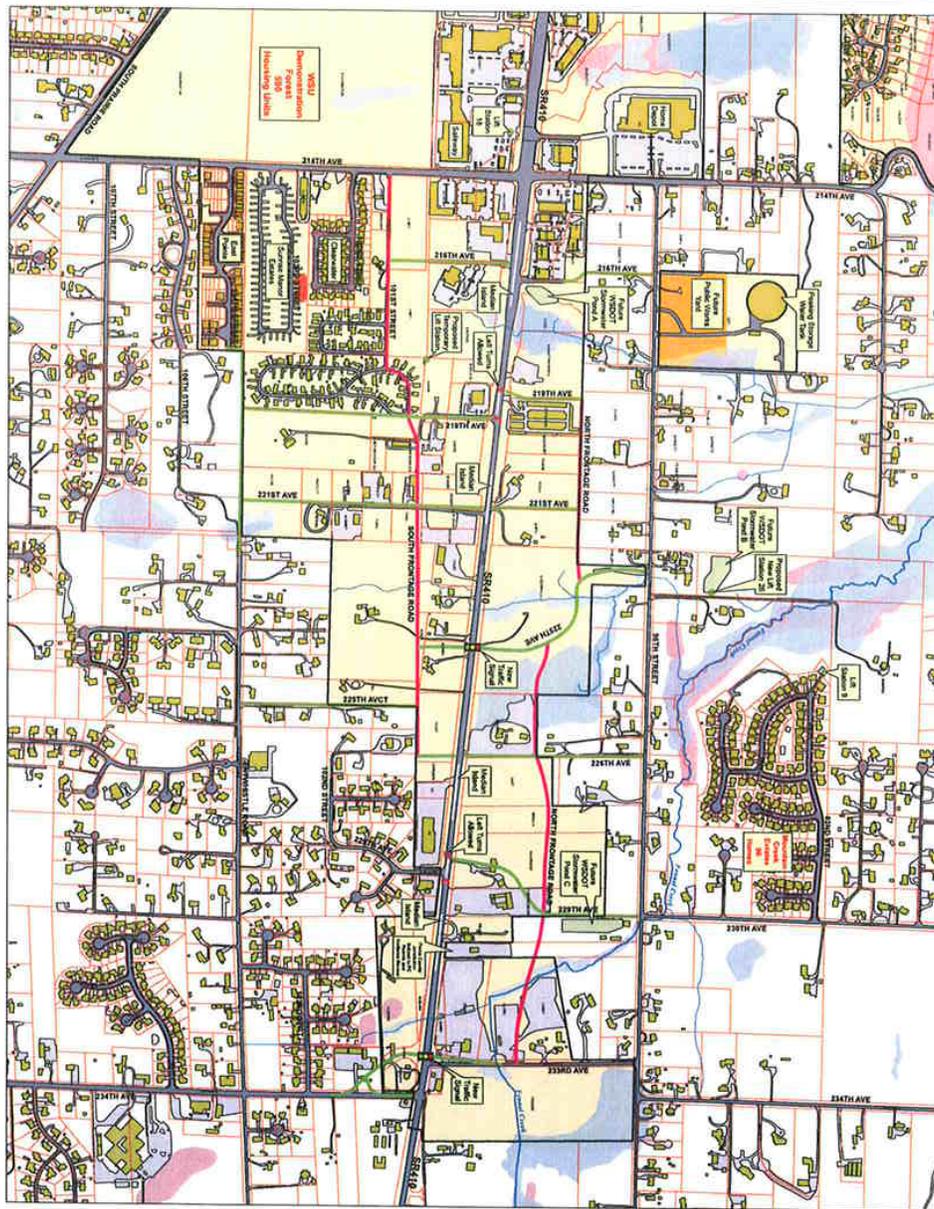
In addition, with the change in land-use designation of the WSU Forest, the Commission is concerned that development could occur in this area in the next year without any design regulations. While we feel that a separate Midtown Plan is important, it wouldn't be adopted until fall of 2011 which may be too late to apply to development in the WSU commercial area.

Recommendation:

The Planning Commission recommends that the City Council adopt the attached draft ordinance and that the design regulations should also apply to Midtown until a Midtown Plan can be adopted next year.

EASTOWN FUTURE ROAD NETWORK

Featuring Fennel Creek and Wetlands



LEGEND

- Sewer Lift Stations
- SxT to Median Islands
- Future Public Roads
- Future Private Roads
- Future Public Works Yard
- Future WSDOT Storm Ponds
- Tax Parcel
- Building
- Paved Road
- Other Impervious Surface
- Boney Lake City Limits

FENNEL CREEK & WETLANDS

- Fennel Creek
- Fennel Creek Tributaries
- CWT Wetlands
- Supplemental Wetland Inventory
- National Wetlands Inventory

0 1,000
Feet
Scale

Vicinity Map
August 13, 2010

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: Fin / Al Juarez	Meeting/Workshop Date: 9 November 2010	Agenda Bill Number: AB10-177
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D10-177	Councilmember Sponsor:

Agenda Subject: Set the amount of the annual AD VALOREM tax levy to be collected in 2011

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting The Amount Of The Annual Ad Valorem Tax Levy Necessary For The Fiscal Year 2011.

Administrative Recommendation:

Background Summary: Pursuant to Revised Code of WA (RCW) 84.52.020 the Mayor of the City of Bonney Lake must certify to the Pierce County Office of the Assessor-Treasurer that the City Council requests the following levy amounts be collected in year 2011 as provided in the city's budget and said property taxes will be adopted following a public hearing held on November 9, 2010.
Attachments: Ordinance D10-177

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: 2011 Budget Amounts: Regular Levy Property Tax Revenue = \$2,512,400.22; Excess Levy Property Tax Revenue for 1997 GO Bond = \$359,750.00; Combined Total = \$\$2,872,150.22.			

COMMITTEE, BOARD & COMMISSION REVIEW											
Council Committee Review:	Finance Committee Date: 9 November 2010	<i>Approvals:</i> Chair/Councilmember Deputy Mayor Swatman Councilmember Hamilton Councilmember Rackley	<table style="width: 100%; border: none;"> <tr> <td style="padding: 0 5px;">Yes</td> <td style="padding: 0 5px;">No</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>					
Yes	No										
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Forward to:	Consent Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No										
Commission/Board Review:											
Hearing Examiner Review:											

COUNCIL ACTION	
Workshop Date(s):	Public Hearing Date(s): November 9, 2010
Meeting Date(s): November 23, 2010	Tabled to Date:

APPROVALS		
Director: <i>Al Juarez</i>	Mayor:	Date Reviewed by City Attorney: Standard (if applicable):



Pierce County

Dale Washam, Assessor-Treasurer

2401 South 35th Street
Tacoma, WA 98409-7498
(253) 798-6111 FAX (253) 798-3142
ATLAS (253) 798-3333
www.piercecountywa.org/atr

PRELIMINARY TAX LEVY LIMIT 2010 FOR 2011

BONNEY LAKE
> 10,000

REGULAR TAX LEVY LIMIT:

	2009
A. <u>Highest regular tax which could have been lawfully levied beginning with the 1985 levy</u> [refund levy not included] times limit factor (as defined in RCW 84.55.005).	2,468,485.26 1.01 2,493,170.11
B. Current year's assessed value of new construction, improvements and wind turbines in original districts before annexation occurred times last year's levy rate (if an error occurred or an error correction was made in the previous year, use the rate that would have been levied had no error occurred).	15,959,981.00 1.107168014342 17,670.38
C. Current year's state assessed property value in original district if annexed less last year's state assessed property value. The remainder to be multiplied by last year's regular levy rate (or the rate that should have been levied).	18,594,720 18,594,720 0.00 1.107168014342 0.00
D. REGULAR PROPERTY TAX LIMIT (A + B + C)	2,510,840.49

ADDITIONAL LEVY LIMIT DUE TO ANNEXATIONS:

E. To find rate to be used in F, take the levy limit as shown in Line D above and divide it by the current assessed value of the district, excluding the annexed area.	2,510,840.49 1,965,057,585.00 1.277743976685
F. Annexed area's current assessed value including new construction and improvements times rate found in E above.	0.00 1.277743976685 0.00
G. NEW LEVY LIMIT FOR ANNEXATION (D + F)	2,510,840.49

LEVY FOR REFUNDS:

H. RCW 84.55.070 provides that the levy limit will not apply to the levy for taxes refunded or to be refunded pursuant to Chapters 84.68 or 84.69 RCW. (D or G + refund if any)	2,510,840.49 1,559.73 2,512,400.22
I. TOTAL ALLOWABLE LEVY AS CONTROLLED BY THE LEVY LIMIT (D,G,or H)	2,512,400.22
J. Amount of levy under statutory rate limitation.	1,965,057,585.00 1.600000000000 3,144,092.14
K. LESSER OF I OR J	2,512,400.22

COUNCIL WORKSHOP

**October 19, 2010
5:30 p.m.**

MINUTES



“Where Dreams Can Soar”

The City of Bonney Lake’s Mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

Website: www.ci.bonney-lake.wa.us

Audio Time Stamp ↓

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd, Bonney Lake.

I. Call to Order: Mayor Johnson called the Workshop to order at 5:35 p.m.

II. Roll Call: [A1.3]

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Neil Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember James Rackley.

[Staff members in attendance were Executive Assistant Brian Hartsell, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Development Director John Vodopich, Community Services Director Gary Leaf, Chief Financial Officer Al Juarez, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist Shawn Campbell.]

III. Agenda Items:

Council agreed by general consent to move the Pierce Transit presentation to the top of the agenda.

5:36:12

Presentation: Tina Lee, Principal Planner with Pierce Transit – “The Preservation Plan”

Tina Lee offered Council information on Pierce Transit’s efforts to meet the needs of citizens with lower revenues. They have implemented several cost savings measures. They will increase fares to all full fair riders in November 2010, and have cancelled and/or delayed capital projects, and layoffs at the managerial level, with some service reduction.

Ms. Lee said Pierce Transit is currently working on two separate plans and budgets. The first is the “Preservation Plan”, which entails preserving current service levels, provides more frequent service during commute times, and adds service to DuPont, Orting and Buckley. The preservation plan will require a proposition in the February 2011 election that calls for an increase of 0.3% in local sales tax. The second plan is the “Reduction Plan” if the proposition fails in 2011, the “Reduction Plan” would reduce service by 35% across the board.

Council thanked Ms. Lee and Pierce Transit for keeping them informed. Councilmember Rackley stated the “Preservation Plan” is an improvement for the City. Councilmember Lewis asked how long the agency must wait to add another proposition if Proposition 1 fails. Ms. Lee said as soon as the board voted, a proposition could be added to the next election. Mayor Johnson said he is very happy with the progress, and applauds Pierce Transit for their effort. Mayor Johnson said if anyone is interested in being on the “For” or the “Against” committees for Proposition 1 to contact him.

A. Council Open Discussion:

Class "B" Water System: Councilmember Rackley asked for clarification from Council on a policy allowing citizens to amend water service agreements that require hook up to City water when it becomes available. Deputy Mayor Swatman gave a brief recap of the amendment to the previous water service agreement. Council voted to allow one member of a three-person class "B" water system to amend his agreement in May 2010. At that time, Council did not pursue the other two members, but had decided if they came forward and wished to amend their agreements; the council would allow them to do so. Councilmember Rackley asked whether this is the City's policy for all water service agreements of this nature. Deputy Mayor Swatman stated each agreement would be evaluated on a case-by-case basis. Councilmember Hamilton said it would be difficult to deny another property owner request now that the City has approved one. Councilmember Decker asked about variances and the size of the properties. Mayor Johnson said that each water system was permitted at the time of installation. Deputy Mayor Swatman stated that a concern of property owners is the cost of tying into City Water. He would be interested in creating an incentive that helps property owners with the associated fees. It would be difficult to make a property owner hook up to City water if they have a working water system. Councilmember Rackley suggested that the City create a policy similar to the sewer hookup policy where property owners are required to hookup to City sewer, when the current sewer system fails or the property is sold.

Staff Recognition: Mayor Johnson congratulated Shawn Campbell on receiving her Certified Municipal Clerks Designation from the International Institute of Municipal Clerks.

Prairie Ridge Community Coalition: Councilmember Carter attended the meeting on October 11, 2010. The main topic was the number of suicides in the area. They plan to have counselors available and schedule meetings to speak with the community.

Senior Center Pancake Breakfast: Councilmember Carter and Councilmember Rackley attended the Aging Options Radio Show with Rajiv Nagaich during the breakfast. He was very informative. The Senior Center is going to have Mr. Nagaich return and give a seminar on finances and retirement planning called Baby-boomers and Beyond.

Shoreline Master Plan Open House: Councilmember Carter attended the Open House on October 18, 2010. Several maps and handouts were provided at the Open House. Deputy Mayor Swatman suggested having the Homeowners Associations that are directly affected by the Shoreline Master Plan be sent registered letters to ensure they are provided notice of proposed changes. Director Vodopich stated that phone calls, two newspapers articles and notices were provided to the area HOA's.

Family First Coalition: Councilmember Carter reported the next meeting would be Monday, October 25, 2010 in Buckley at Glacier Middle School.

Sumner School District: Councilmember Carter and Councilmember Lewis attended the Lakeridge Middle School Ribbon Cutting and Open House. She enjoyed seeing all the changes. Councilmember Carter stated the Eismann Elementary Ribbon Cutting and Open House is Wednesday, October 27, 2010 at 5:00pm. The school is located at 13802 Canyon Falls Boulevard. Councilmember Carter said the Community Leaders Coffee would be October 29, 2010 from 7:30am to 8:30am. If you plan to attend, RSVP's need to be sent by October 22, 2010.

Councilmember Lewis shared that when the remodel is complete on Bonney Lake Elementary the school district plans to move the students from McAlder Elementary to Eismann Elementary and rebuild McAlder. They will be able to do this due to the 20 to 40 million dollar cost savings from remodeling and using Eismann Elementary to house students while the schools are being remodeled and rebuilt.

Midtown Plan: Councilmember Carter thanked the staff for creating the new Midtown Map. She commented how complete the map was and that it will be a good planning tool in creating a Midtown Plan. She would like to have a Joint Planning Commission meeting to discuss a Midtown Plan. Deputy Mayor Swatman said he would like to have a Midtown Plan that establishes road networks. Council discussed possible dates to have a joint meeting and will present dates for November 4th and November 18th to the Planning Commission.

Viking Dog Park: Deputy Mayor Swatman congratulated all who had a hand in the dog park for its success. He suggested the City coordinate with volunteers to restock supplies after hours and on weekends. Director Leaf said he is working with Grant Sulham to provide a way for volunteers to help with the maintenance of the park. Director Leaf shared that Director Grigsby found grant funding for pet waste disposal bags.

Eastown Sewer Water Design: Deputy Mayor Swatman asked if the City had received any more easements from the Eastown homeowners. He said the City needs to have an accurate count on the number of easements before the City can move forward. Mayor Johnson stated the Council needs to know how many easements the City has by mid-November so the Council can decide whether to move forward with the project. Director Grigsby has not received any additional easements. He will contact the remaining property owners and give them a November 15, 2010 deadline for returning the easements. Councilmember Hamilton said the plan would be the City's plan whether the current property owners signed the easements or not. Deputy Mayor Swatman said if the property owners did not give the easements to the City, it significantly increases the price of the project. When the City went into the project, it was a partnership and the City needs the property owners to hold up their end of the partnership. Mayor Johnson stated there are two aspects here, the first is designing the plan and the second is financing the project. If the property owners do not provide the easements, it will be hard for the Council to move forward with the design of the plan.

Compass Point Easements: Councilmember Decker asked for a status update of the Compass Point easements. Mayor Johnson stated that we have not heard from them and there is no new information. Fortunately, the City will not require this easement to be able to move forward and will not need to condemn the property.

YMCA Piggy Bank: Councilmember Carter shared that she now has \$100 in the YMCA Piggy Bank.

River Undone – Effort to Save the Puyallup River Watershed: Councilmember Carter shared about a movie which highlights the efforts being taken to save the watershed. The movie will be shown at the University of Washington, Tacoma Campus at William Philip Hall on October 28, 2010 at 5:30pm. Contact Marian Betzer to RSVP.

6:43:21

- B. **Review of Council Minutes:** October 5, 2010 Council Workshop; and October 12, 2010 Council Meeting.

The minutes were forwarded to the October 26, 2010 Meeting for action.

6:43:43

- C. **Discussion:** AB10-166 – Resolution 2080 - A Resolution Of The City Council of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Development Agreement With Swiss Sportsman’s Club Of Tacoma

Mayor Johnson stated the City is trying to find solutions for property owners on an individual basis rather than rewrite the code. Deputy Mayor Swatman said the Swiss Park is zoned public facilities and he wants to make certain that the property owner is not trying to develop a commercial property. The Council has a policy to require a commercial developer to be hooked up to the City sewer. Director Vodopich confirmed that the Swiss Park is zoned public facilities and the code requires commercial developments to be tied into the City sewer system. The Swiss Park does rent out part of their facility and the proposed addition would benefit that. Councilmember Carter stated the WSU forest was also zoned public facilities and rented out areas of the forest. Councilmember Decker pointed out that the Swiss Park is a nonprofit organization and as such could not be commercial. Councilmember Lewis stated the Swiss Park mainly serves the public of the area; he looks at it as a service to the public. Councilmember Carter asked if the Swiss Park was in the Park Element of the Comprehensive Plan. Director Leaf stated that they are listed, but not as available to the public.

Councilmember McKibbin asked if this agreement allows them to have two septic systems or to expand the existing one. Director Vodopich said his understanding is that they will be expanding the existing septic system. They will have to submit all permits with the building plans. Councilmember Hamilton asked if they would be required to tie into the City Sewer if a sewer main already ran in front of the properties. He also asked if a homeowners association would be able to use this agreement as a template. Director Vodopich said if the City sewer was available Swiss Park would be required to tie into that instead of changing the current septic tank. In addition, HOA’s are not typically zoned public facilities so other property owners could not use this agreement as a template unless their property is zoned public facilities.

6:54:21

- D. **Discussion:** AB10-171- Resolution 2083 - A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing the Mayor to sign a lease agreement with Edward Jones.

Mayor Johnson stated the cost benefit analysis of this lease does not make sense. It would take seven years for the City to break even on this lease. The City could save money by cancelling the lease on the Annex modular and moving the staff to the Interim Justice Center. Councilmember Lewis asked about the City’s right to cancel the lease of a tenant in the Interim Justice Center. Executive Assistant Hartsell stated the tenant is willing to accept after five years, six months notice and \$5,000 in moving expenses as a cancellation clause. He also pointed out the leasehold excise tax is not on the spreadsheet provided, but it is included in the rent rate per square foot. He said the real-estate broker indicated part of the issue with leasing space in the Interim Justice Center is tenant parking. Councilmember Decker said the cost of doing the tenant improvements is too high for the return to the City. Mayor Johnson stated some of the improvements would have to be made either way. Councilmember Rackley supports the Mayor as long as the City can afford not to have the income from the lease. Councilmember Carter asked if the City moved the staff from the modular at the Annex, would additional space be available for lease in the Interim Justice

Center. She would like to see a coffee shop or something similar. Mayor Johnson said the City would still have space available. If the City wants a coffee shop or small restaurant, then incentives probably would need to be offered to the business. Councilmember McKibbin said the City should spend the money to show an example of what the City would like in the space, the lost revenue would be worth it. Councilmember Lewis said if the City spent the money for the improvements it would plant the seed for what could be in the building. Councilmember Rackley asked if the City could offer the Annex building to Edward Jones to lease instead of the Interim Justice Center. Deputy Mayor Swatman agreed that Edward Jones is not right for the Interim Justice Center as they are not retail. He is disappointed in not having more choices from the commercial leasing agent. If the City moved all of the staff from the Annex to the Interim Justice Center then the City would not have room to grow if the CUGA annexation is approved. Councilmember Hamilton asked if the City is obligated to pay a commission to the leasing agent if the lease agreement is not approved. He is in favor of using the space at the Interim Justice Center for staff and to prepare the annex for leasing. Deputy Mayor Swatman talked about the value of the space and the money that will need to be spent to move staff. Councilmember Lewis stated that the plan was to have a building that could house the Court and have several tenants. At the time of the original plan the economy was in a favorable position. The economy is not in the same position now and the Council needs to be flexible to the current economic climate. He wants the best possible use of the taxpayers' money, and moving forward with the annex staff moving into the Interim Justice Center seems to fit best at this time.

Council asked about size, type and placements of signage. Director Vodopich said the signage would have to conform to the downtown design standards. As the building owner, the City could dictate how much and type of signs. He shared several options that could work for the building. Council looked at several sign options that were provided. By consensus, Council decided to not lease to Edward Jones.

IV. Executive Session: None

7:20:20

V. **Adjournment:**

At 7:20 p.m. Councilmember Rackley moved to adjourn the Workshop. Councilmember Hamilton seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to Council at the October 19, 2010 Workshop:

- Pierce Transit – *“The Preservation Plan”* - Tina Lee, Principal Planner
- City of Bonney Lake – *AB10-158 – Resolution 2075* – Public Works Director Dan Grigsby
- City of Bonney Lake – *South Shore Water Agreement* – Public Works Director Dan Grigsby

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CITY COUNCIL MEETING

**October 26, 2010
7:00 P.M.**

MINUTES



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

Website: www.ci.bonney-lake.wa.us

Audio Time Stamp ↓

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the meeting to order at 7:00 p.m.

A. Flag Salute: Mayor Johnson led the audience in the Pledge of Allegiance.

B. Roll Call:

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember Jim Rackley. Deputy Mayor Dan Swatman was absent.

Councilmember Rackley moved to excuse Deputy Mayor Swatman's absence. Councilmember Decker seconded the motion.

Motion approved 6 – 0.

[Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Assistant Police Chief Dana Powers, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director / City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. Recognition of Florence Massey - Senior Center Volunteer.

Mayor Johnson thanked Ms. Massey, who has been a long-time volunteer at the Senior Center, and who donates her time about 5 days per week. He presented her with an honorary 'Massey Way' street sign. Senior Center Director Sue Hilberg said the street sign will be placed at the Senior Center entrance driveway. The Senior Center Advisory board thanked Ms. Massey for her service. Many members of the community were in attendance who expressed their appreciation for Ms. Massey's service.

Mayor Johnson called for a 5-minute recess at 7:06 p.m. The meeting returned to order at 7:12 p.m.

C. Agenda Modifications:

Councilmember Mark Hamilton moved to add AB10-196, a motion setting a public hearing on ad valorem tax rates, under Finance Committee Issues Item A. Councilmember Rackley seconded the motion.

Motion approved 6 – 0.

7:12:55

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings:

1. **AB10-167 – Resolution 2080** – A Development Agreement with Swiss Park for the Construction of a Proposed Restroom/Shower Facility.

Mayor Johnson opened the public hearing at 7:12 p.m. The public hearing was closed at 7:13 p.m. with no speakers.

B. Citizen Comments:

Marian Betzer, Bonney Lake, spoke to the Council about a recent presentation she and other members of the Fennel Creek Preservation Association presented at the 2010 Washington State Trails Conference. She provided Councilmembers with information and showed the display items they used. She said the group is working hard and moving toward building the Fennel Creek Trail. Councilmembers thanked Ms. Betzer for taking part in the event.

Hal Geiersbach, 8910 Main St E, Bonney Lake, said he has provided Public Defense services for the City since 1988, and prior to that he served as a pro-tem judge for the City. He expressed concern that the proposed new contract for public defense services, with its cost of \$100 per case, will not provide quality services to clients.

Councilmember Rackley said the Finance Committee carefully considered the options, and the Council will closely monitor the new public defender services to be sure clients are receiving good services.

C. Correspondence: None.

7:22:41

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: There was no report as the committee had cancelled its regularly scheduled meeting.

- B. Community Development Committee: Councilmember Rackley said the committee met October 18th and discussed the 192nd Ave corridor design. The committee also forwarded Resolution 2075, Resolution 2078, and Resolution 2082 to the current agenda for action.

C. Public Safety Committee: Councilmember Hamilton said the committee has not met since the last Council Meeting.

D. Other Reports:

White River Families First Coalition: Councilmember Carter said she and Councilmember Lewis attended the recent coalition meeting. They participated in breakout sessions with a dental services group and a drug prevention group. Councilmember Rackley encouraged them to provide information on these services to the Food Bank and Lions for Kids House.

7:27:18

IV. CONSENT AGENDA:

A. **Approval of Minutes**: October 5, 2010 Workshop Minutes and October 21 Meeting Minutes.

B. **Accounts Payable Checks/Vouchers**: Checks/Vouchers #59708 thru 59748 in the amount of \$642,388.99; Accounts Payable checks/vouchers #59749 thru 59750 for accounts receivable refunds in the amount of \$558.96; Accounts Payable checks/vouchers #59751 thru 59816 (including wire transfer #'s 10062010, 10162010 and 10172010) in the amount of \$398,581.79.

C. **Approval of Payroll**: Payroll for October 1 - 15, 2010 for checks 29369-29394 including Direct Deposits and Electronic Transfers in the amount of \$ 399,182.42.

D. **AB10-163 – Resolution 2077** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Award A Contract For Public Defender Services To The Law Offices Of Matthew J. Rusnak.

E. **AB10-162 – Resolution 2076** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Lease Agreement With The Bonney Lake Lions Foundation For The Continued Use Of The Property Located At 18429 89th Street East For The Lions 4 Kids House.

**Councilmember Rackley moved to approve the Consent Agenda.
Councilmember Lewis seconded the motion.**

Consent Agenda approved 6 – 0.

7:27:23

V. FINANCE COMMITTEE ISSUES:

A. **AB10-176** – A Motion of the City Council of the City of Bonney Lake, Pierce County, Washington, Setting a Public Hearing at 7:00 p.m., or as Soon Thereafter as Possible, During the Regular Council Meeting of November 9, 2010 to Consider Revenue Sources and Possible Property Tax Increases Before Setting the Ad Valorem Property Tax Rate for 2011. *Added during Agenda Modifications.*

Councilmember Rackley moved to approve the motion. Councilmember Hamilton seconded the motion.

Motion approved 6 – 0.

7:28:42

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

- A. AB10-164 – Resolution 2078** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Motion Authorizing A Professional Services Agreement With Shea, Carr, Jewell, Inc. For The SR410 – 214th Avenue Intersection Improvements Project.

Councilmember Lewis moved to approve Resolution 2078. Councilmember Rackley seconded the motion.

Resolution 2078 approved 6 – 0.

- B. AB10-165 – Resolution 2079** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The Angeline Road Force Main Replacement Project To Archer Construction, Inc.

Councilmember Lewis moved to approve Resolution 2079. Councilmember Rackley seconded the motion.

Resolution 2079 approved 6 – 0.

- C. AB10-170 – Resolution 2081** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Parametrix For Construction Engineering Services And As-Built Completion For The Angeline Road Force Sewer Main Replacement Project.

Councilmember Lewis moved to approve Resolution 2081. Councilmember Rackley seconded the motion.

Resolution 2081 approved 6 – 0.

7:30:15

VII. PUBLIC SAFETY COMMITTEE ISSUES:

- A. AB10-160 – Ordinance 1365 (D10-160)** – An Ordinance of The City of Bonney Lake, Pierce County, Washington, Establishing A Helmet Requirement For Bicycle, Skate, Scooter, Unicycle, And Skateboard Use.

Councilmember Decker moved to approve Ordinance 1365. Councilmember Carter seconded the motion.

Assistant Chief Powers said the ordinance has been in progress for a long time and she is pleased that it is coming forward. Councilmember Carter said citizens have asked her in the past why the City has no helmet law. She said two of her family members have been in bicycle accidents, but were wearing helmets.

Ordinance 1365 approved 6 – 0.

- B. AB10-161 – Ordinance 1366** (D10-161) – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Chapter 16.16 of Bonney Lake Municipal Code.

Councilmember Hamilton moved to approve Ordinance 1366. Councilmember Rackley seconded the motion.

Councilmember Hamilton thanked Craig Sarver and other members of the citizen’s ad-hoc Church Lake Boating Committee, who provided their time and input in drafting this ordinance. He also thanked East Pierce Fire & Rescue commissioner Rick Kuss, who has background working with other parts of the lake and who also provided valuable input. Councilmembers said the City needs to inform citizens about the new law, and suggested that staff provide information online and in newsletters, place signs at the boat launch, send information to area homeowner’s associations, and provide information to people renewing their boat launch passes.

Ordinance 1366 approved 6 – 0.

VIII. FULL COUNCIL ISSUES: *None.*

IX. EXECUTIVE SESSION: *None.*

X. ADJOURNMENT:

7:35:15

At 7:35 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Carter seconded the motion.

Motion approved 6 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items presented to Council at the October 26, 2010 Meeting:

- City of Bonney Lake – *AB10-176 – Motion to Set a Public Hearing to Consider Revenue Sources and Possible Property Tax Increases Before Setting the Ad Valorem Property Tax Rate for 2011* – Chief Financial Officer Al Juarez.
- Fennel Creek Trail Association – *Fennel Creek Watershed Brochure and 2010 Washington State Trails Association Conference Presentation* – Marian Betzer.
- City of Bonney Lake – *Pierce County Flood Management Open House Brochure* – Councilmember Carter.

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**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> PW / Director Dan Grigsby	<u>Workshop / Meeting Date:</u> 09 Nov 2010	<u>Agenda Bill Number:</u> AB10-158
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 2075	<u>Councilmember Sponsor:</u> James Rackley

Agenda Subject: Amendment to Class 4 Water System Agreement with Gary and Carol Thieman

Proposed Motion: Motion to modify the approved water connection agreement between the Thiemans and the City of Bonney Lake from mandatory when the city's watermain system crosses their frontage to making the connecton to the city's system discretionary on the Thieman's part.

Administrative Recommendation:

Background Summary: In 1990, the Thiemans signed an Agreement for Water Service, wherein they agreed to disconnect their class 4 water system and connect to city water service when a city water main crossed the frontage of their property. Now the Thiemans wish to modify that Agreement to make connection to the city water system discretionary on the part of the Thiemans.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
N/A			
Budget Explanation:			

<u>COMMITTEE/BOARD REVIEW:</u>
Subcommittee Review Date: Community Development Committee - 18 Oct 2010
Commission/Board Review Date: -
Hearing Examiner Date:

<u>COUNCIL ACTION:</u>	
Workshop Date(s): 19 October 2010	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization	Mayor	Date City Attorney Reviewed
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Discussion Item #2

COMMUNITY DEVELOPMENT COMMITTEE

DATE: November 1, 2010

ORIGINATOR: Dan Grigsby

TITLE: Public Works Director

SUBJECT: Motion to modify the approved water connection agreement between the Thiemans and the City of Bonney Lake from mandatory when the city's watermain system crosses their frontage to making the connection to the city's system discretionary on the Thieman's part. In 1990, the Thiemans signed an Agreement for Water Service, wherein they agreed to disconnect their class 4 water system and connect to city water service when a city water main crossed the frontage of their property. Now the Thiemans wish to modify that Agreement to make connection to the city water system discretionary on the part of the Thiemans.

ORDINANCE/RESOLUTION: 2075

REQUEST OR RECOMMENDATION BY ORIGINATOR:

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE

FINANCE DIRECTOR _____

CITY ATTORNEY _____

2010 Budget Amount Current Balance Required Expenditure Remaining Balance

N/A

Explanation:

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	DATE	APPROVED	DISAPPROVED
James Rackley, Chairman	<u>11-1-10</u>	<u><i>James Rackley</i></u>	_____
Randy McKibbin	<u>11-1-10</u>	<u><i>Randy McKibbin</i></u>	_____
Donn Lewis	<u>11-1-10</u>	<u><i>Donn Lewis</i></u>	_____

COMMITTEE COMMENTS: _____

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK

CITY ATTORNEY

Please schedule for City Council Meeting date of: November 9, 2010

Consent Agenda: Yes No

RESOLUTION NO. 2075

**A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY,
WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT
TO AMEND AGREEMENT FOR WATER SERVICE WITH GARY AND CAROL
THIEMAN**

WHEREAS, Gary and Carol Thieman own and reside in a home located at 22015 96th St E. Buckley, WA 98321, which is inside the City of Bonney Lake's water service area but outside the city limits; and

WHEREAS, in 1990, the former owners of the property signed an Agreement for Water Service, wherein they agreed to disconnect their class 4 water system and connect to city water service when a city water main crossed the frontage of their property; and

WHEREAS, the City and the Thiemans wish to modify that Agreement to make connection to the city water system discretionary on the part of the Thiemans.

NOW, THEREFORE, it is hereby resolved that the Mayor shall have authority to execute the attached Agreement to Amend Water Service Agreement.

Passed this 9th day of November, 2010.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

**RETURN TO:
City of Bonney Lake
19306 Bonney Lake Blvd.
Bonney Lake, WA. 98391**

Please make no mark in the margin space – Reserved for County Auditor's use only.

TYPE OF DOCUMENT:	Agreement to Amend Water Service Agreement
OWNER:	Gary and Carol Thieman
MUNICIPALITY:	City of Bonney Lake, a Municipal Corporation
ABBREVIATED LEGAL DESCRIPTION:	052035 SW
ASSESSOR TAXPARCEL I.D.No.	05-20-35-3-034
ADDRESS OF PROJECT	22015 96th St E, Buckley WA.98321

THIS AGREEMENT made and entered into this 21st day of October, 2010, by and between the CITY OF BONNEY LAKE, a municipal Corporation hereinafter referred to as "City" and Gary and Carol Thieman, hereinafter referred to as "Owner".

WHEREAS, owners are the owners of a certain parcel of real property described As parcel #05200353034; and,

WHEREAS, owners have requested that the City agree to amend the Agreement Regarding Water Service previously recorded under AFN 9006150092 attached as Exhibit A; and,

WHEREAS, The City and Owner agree to amend Exhibit A as follows:

4. The existing text of paragraph 4 of the Agreement shall be deleted and the following put in its place:

That at such time as the City extends its water service mains so that City water is reasonably available to the owner's property, then said class 4 system may be terminated and its connections may be hooked up to the City water utility. The termination of the existing class 4 water system will be at owner's discretion and will occur only if the owner chooses.

5. The existing text of paragraph 4 of the Agreement shall be deleted and the following put in its place:

The properties served by said class 4 water system shall be subject to an equitable share of the expense of extending the water mains to serve the area at such time that the owner chooses to hook up to the City water utility.

(Notary Acknowledgement on next page)

DATED this 21 day of October, 20 10.

Owner

Gary L Thieman
Gary Thieman
Its: _____

Carol A. Thieman
Carol Thieman
Its: _____

STATE OF WASHINGTON)
) ss
COUNTY OF PIERCE)

On this 21st day of October, 20 10, before me a Notary Public in and for the State of Washington, personally appeared Gary and Carol Thieman to me known to be the individual that executed the foregoing instrument, and acknowledged it to be the free and voluntary act, for the uses and purposes mentioned in this instrument, and on oath stated that they were authorized to execute said instrument.

-Notary Seal Must Appear Within This Box-
IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Marlyn E Campbell
Printed Name: Marlyn E. Campbell
NOTARY PUBLIC in and for the State
Washington, residing at Bonney Lake, Pierce Co
My Commission Expires: 5-14

CITY OF BONNEY LAKE

By: _____ By: _____
Neil Johnson Jr. Mayor Don Morrison City Administrator

STATE OF WASHINGTON)
) SS
COUNTY OF PIERCE)

On this _____ day of _____, 20_____, before me, the Undersigned, a Notary Public in the State of Washington, duly commissioned and sworn, personally appeared Neil Johnson and Don Morrison, representing themselves as Mayor and City Administrator, respectively, of the City of Bonney Lake, the municipal corporation that executed the foregoing instrument, and acknowledge the instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Printed Name:

NOTARY PUBLIC in and for the State
Washington, residing at

My Commission Expires: _____

Approved to Form:
By: _____
Jim Dionne City Attorney

ATTEST:
By: _____
Woody Edvalson City Clerk

AGREEMENT REGARDING WATER SERVICE

This agreement made this 27th day of April, 1990, by and between GARY & CAROL THERRM and CITY OF BONNEY LAKE husband and wife, hereinafter called "Owners" and the City of Bonney Lake, hereinafter called "City". And,

Whereas, Owners are the owners of a certain parcel of real property described in Attachment A and incorporated herein by reference. And,

Whereas, Owners have requested that the City of Bonney Lake grant permission for Owners to establish a Class 4 water system to serve a maximum of 3 connections within the City's Water Service Area. And,

Whereas, the City does not have water facilities in the area where Owners propose to establish their Class 4 water system. And,

Whereas, the City as a condition of its consent to the establishment of the aforementioned Class 4 water system required the execution of the following agreement:

NOW, THEREFORE, It Is Agreed between the parties as follows:

1. That the City hereby consents to the establishment and operation of a Class 4 water service.
2. That said water service shall be limited to serving 3 residences.
3. That said water service shall be constructed and operated pursuant to all applicable State, County and City regulations and that if the construction of the water service or any part thereof be made within a public right-of-way that said construction shall be done as per the City's Standards and Conditions applicable to the City water utility.
4. That at such time as the City extends its water service mains so that City water is reasonably available to the Owner's property, then said Class 4 water system shall be terminated and its connections shall be connected to the City water utility.

9006150092

10 → Part of agreement ~~be~~ that owner is asking to remove.

5. The properties served by said Class 4 water system shall be subject to an equitable share of the expense of extending the water mains to serve the area and the Water System Meter Co. If no agreement as to the allocation of this expense can be made between the City and the then Owners of the subject property, then the expense shall be allocated in the same manner as similar expenses are allocated under a Local Improvement District or a Utilities Local Improvement District.

6. Each party agrees that this agreement shall be recorded and shall be binding upon Owners, heirs, assignees and devisees and Owners further agree that if they short plat the property which is subject matter of this agreement, that they will place a covenant in the short plat and on the individual deeds notifying his successors-in-interest of the terms of this agreement

DATED this 31 day of May, 1970.

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney

REC'D
16-8-70 11 AM 8-31

[Signature]
[Signature]

STATE OF WASHINGTON)
County of Pierce } ss.

On this day personally appeared before me [Signature] and [Signature] to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 27th day of April 1970.

[Signature]
Notary Public in and for the state of Washington, residing at [Address]
My Commission Expires 2/1/71



9006150092

PARCEL "B"

A portion of the S.E. 1/4 of the S.W. 1/4 of Sec. 35, TWP 20 N, R 5E, W.M., Described as follows:

"Beginning at a point on the North right-of-way line of Carlson-Roberts Road 22.25 feet North and 514.15 feet West of the South 1/4 cor. of Sec. 35, TWP. 20 N, R 5E, W.M.; thence N 0°07'29" W, 300.00 feet; thence S 89°10'12" W, 115.00 feet; thence S 0°07'29"E, 300.00 feet to said North right-of-way line; thence N 89°10'12" E along said right-of-way line 115.00 feet to the point of beginning."

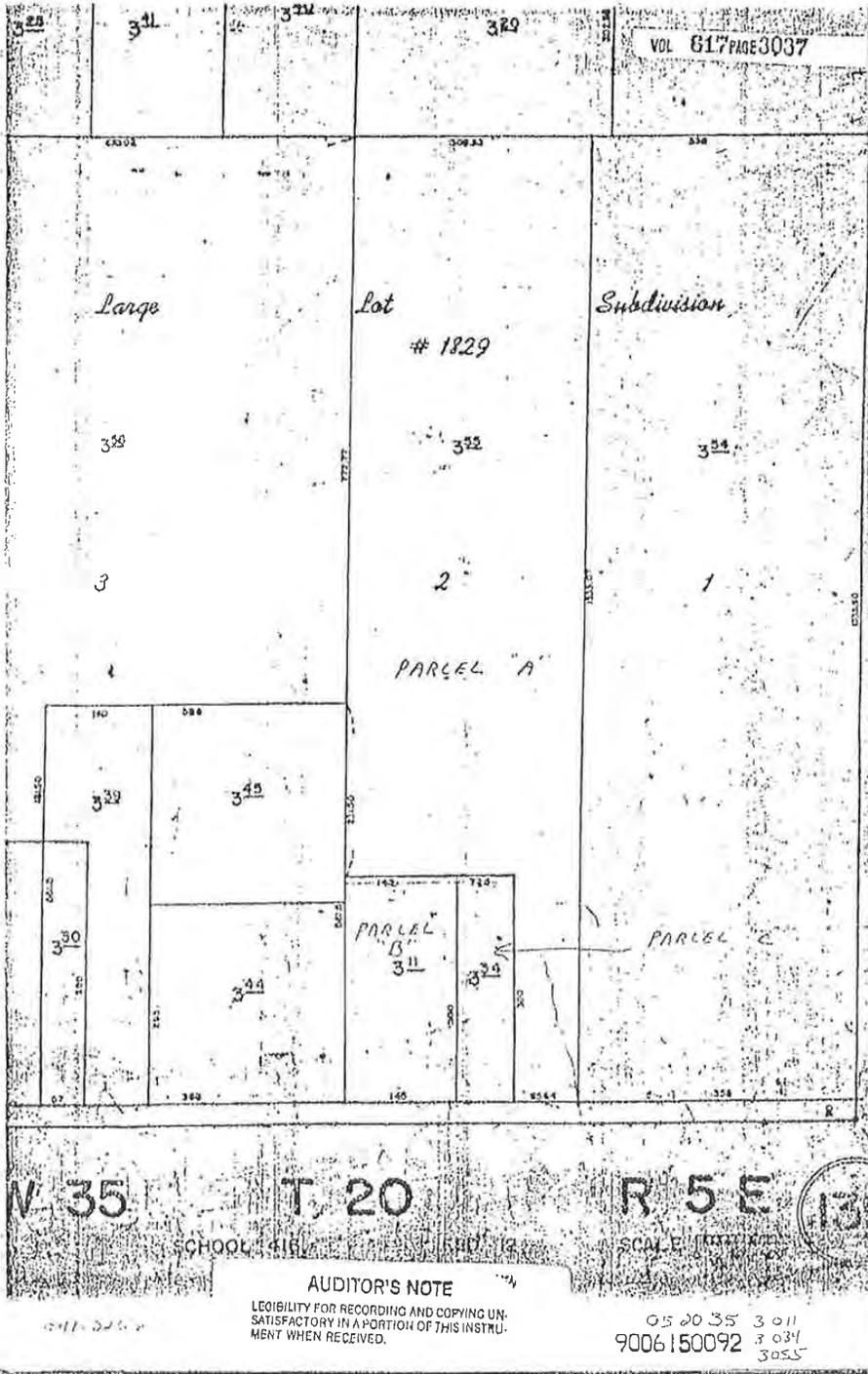
PARCEL "C"

the following described real estate, situated in the County of Pierce

State of Washington including any interest therein which grantor may hereafter acquire:

"A portion of the southeast quarter of the southwest quarter of Section 35, Township 20 North, Range 5 E. W. M., described as follows:
"Beginning at a point on the North Right-of-way line of Carlson-Roberts County Road, 22.25 feet north and 514.15 feet west of the South quarter corner of Section 35, Township 20 North, Range 5 E. W. M.; thence North 0°07'29" West 300.00 feet; thence North 89°10'12" East 72.5 feet; thence South 0°07'29" East 300.00 feet to said North Right of Way line of Carlson-Roberts County Road; thence South 89°10'12" West along said Right-of-way line 72.5 feet to the true point of beginning."

9006150092



N 35

T 20

R 5 E



SCHOOL 1416

SCALE 1/4\"/>

AUDITOR'S NOTE

LEGIBILITY FOR RECORDING AND COPYING UN-
SATISFACTORY IN A PORTION OF THIS INSTRU-
MENT WHEN RECEIVED.

05 20 35 3 011
9006150092 3 034
3055

Bonney Lake
Public Works Dept.

Received
7 OCT 2010

South Shore Water Inc.

System I.D. 649014

Incorp. Cert. # 602148491

Employer # 91-2152953

Class "S" Corp. w/50,000 Shares

Public for profit Corp. Non-Reporting

+ Connections Non-expanding

Dan Grigsby;

Hi Dan, I have enclosed some
info about this water system. The well itself
is an 8" casing 186' deep, static water
level is 121' pumping 113'. I have
also included a copy of Ground water Rights.

I would appreciate you looking this
material over and give me your decision.

Thank You Very Much

Norman H. Camp Pres.

CERTIFICATE RECORD No. 6 PAGE No. 2828-A

STATE OF WASHINGTON, COUNTY OF Pierce

Certificate of Ground Water Right

Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the State Supervisor of Water Resources thereunder.

THIS IS TO CERTIFY That WILBUR and MARGARET MOULTON of Buckley, Washington;
VIVIAN MOULTON and HERBERT WETRICK of Sumner, Washington, has made proof
to the satisfaction of the State Supervisor of Water Resources of Washington, of a right to the use of
the ground waters of a well
located within the SE 1/4 SE 1/4
Sec. 34, Twp. 20 N., R. 5 E. W. M.,
for the purpose of group domestic supply
under and subject to provisions contained in Ground Water Permit No. 4241 issued by the State
Supervisor of Water Resources and that said right to the use of said ground waters has been perfected
in accordance with the laws of Washington, and is hereby confirmed by the State Supervisor of Water
Resources of Washington and entered of record in Volume 6 at page 2828-A;
that the right hereby confirmed dates from March 25, 1957; that the quantity of ground
water under the right hereby confirmed for the purposes aforesaid, is limited to an amount actually
beneficially used for said purposes, and shall not exceed 45 gallons per minute; 16.8 acre-
feet per year for the purpose of group domestic supply.

A description of the lands to which such ground water right is appurtenant, and the place where
such water is put to beneficial use, is as follows:

WILBUR and MARGARET MOULTON: Beginning at the southeast corner of the
N 1/2 S 1/2 SE 1/4 SE 1/4, sec. 34, T. 20 N., R. 5 E. W. M., thence west on the south line
of said subdivision 400 feet; thence north parallel to the east line of
said subdivision 100 feet; thence east parallel to the south line 400
feet to the east line of said subdivision; thence south 100 feet to
point of beginning.
HERBERT WETRICK: Beginning at the northeast corner of the N 1/2 S 1/2 SE 1/4 SE 1/4
of sec. 34, T. 20 N., R. 5 E. W. M., thence south 85 feet; thence west 400 feet;
thence north 85 feet; thence east 400 feet to point of beginning.
VIVIAN MOULTON: The N 1/2 S 1/2 SE 1/4 SE 1/4, sec. 34, T. 20 N., R. 5 E. W. M., less that
portion of said subdivision conveyed to Wilbur and Margaret Moulton,
and Herbert Wetricke as described above.

The right to the use of the ground water aforesaid hereby confirmed is restricted to the lands or
place of use herein described, except as provided in Sections 6 and 7, Chapter 122, Laws of 1929.

WITNESS the seal and signature of the State Supervisor of Water Resources affixed this
4th day of June 1957.

Handwritten signature of the State Supervisor of Water Resources.

Handwritten signature of the State Supervisor of Water Resources.
State Supervisor of Water Resources.

Ground Water Permit No. 424

CERTIFICATE OF GROUND WATER RIGHT

Recorded in the office of the State Supervisor of Water Resources, Olympia, Wash-

ington, in Book No. 6 of Ground

Water Right Certificates, on page 2828-A

on the 4th day of June

1957

STATE OF WASHINGTON

County of Spokane

I certify that the within was received and

duly recorded by me in Volume

of Book of Water Right Certificates, at

page 19 on the 19 day of

1957

Miss Gladys H. Smith

STATE PRINTING PLANT

1957-1958

A G R E E M E N T

This agreement made and entered into this 14th day of April, 1953,
by and between Kenneth C. Saulton and Gladys I. Saulton, his wife;
Virian Saulton, a widow; and Wilber Saulton and Margaret Saulton, his
wife;

WITNESSETH:

WHEREAS, Kenneth C. Saulton presently resides upon that property
described as follows:

"Beginning at a point 85 feet South of the N E corner of
North half of the South half of the S E quarter of the
S E quarter of sec 34 Township 20 North Range 5 East
T.M., thence West 100 feet, thence North 85 feet, thence
East 100 feet, thence South 85 feet to the point of
beginning."

and,

WHEREAS, Virian Saulton and Wilber and Margaret Saulton reside
upon property adjacent thereto or nearly adjacent thereto, and,

WHEREAS, it is the desire of the parties to this agreement that
all parties contribute to the necessary expense for the purpose of
drilling a water well upon said property and are desirous further of
benefiting in the use of the water from said well, and are desirous
of meeting equally the future cost of maintenance and repair, now,

WHEREFORE, in consideration of the mutual covenant and conditions
herein contained by it agreed as follows:

1) That Kenneth C. Saulton shall arrange for drilling of the well
upon said property.

2) That the use of the water from said well shall be considered
equal and the parties to this agreement each shall convey to the other
what is necessary for pipe line or pipe lines from the location
of said well to its point of use.

3) Virian Saulton, a widow; and Wilber Saulton and Margaret Saulton,
his wife, do agree to pay to Kenneth C. Saulton, the sum of 2/3 of the
total cost of well drilling and construction; and Kenneth Saulton and
Gladys C. Saulton, his wife, agree to pay 1/3 of the cost of said con-
struction.

b) When a loan agrees to pay the sum of \$2,000 dollars per month together with interest on deferred balances to the rate of 6% per cent until her 1/3 is fully paid. And Elmer Moulton and Margaret Moulton, his wife, likewise to promise and agree to pay to Kenneth S. Moulton, the sum of \$2,000 per month including interest upon deferred balances to the rate of 6% per cent until his 1/3 share is fully paid.

And the parties hereto do further agree to maintain their own pipe or pipe lines and do agree to meet 1/3 of all future costs and expenses necessary for repair or maintenance of the well.

This agreement executed this 14 day of April, 1953.

Kenneth S. Moulton
Elmer S. Moulton
Viriam Moulton
Margaret Moulton
W. Elmer S. Moulton

20.

The undersigned

of the County of _____ State of _____, on this 14 day of April, 1953, personally appeared before me _____, a Notary Public in and for the State of _____, the undersigned _____ and _____, his wife, _____, and _____, his wife, _____, to be known to be the individual s described in and who executed the within instrument, and acknowledged that they signed and sealed in _____ as their free and voluntary act and deed, for uses and purposes therein mentioned.

Witness my hand and seal of office this _____ day of _____, 1953.

William C. Muddy
Notary Public, State of _____

South Shore Water Inc.
9402 214th Ave. E.
Bonney Lake WA 98391
363-380-8643

Public Works Dept.

RECEIVED

City of Bonney Lake

ATTN: DAN GRIFFIN

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: CD / John P. Vodopich, AICP	Meeting/Workshop Date: 9 November 2010	Agenda Bill Number: AB10-167
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2080	Councilmember Sponsor:

Agenda Subject:

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Development Agreement With Swiss Sportmans Club Of Tacoma.

Administrative Recommendation: Approve

Background Summary: This Development Agreement with Swiss Park provides for the construction of a restroom/shower facility. A public hearing before Council was held on October 26th and no testimony was given. A signed copy of the Development Agreement is attached to the agenda bill.
Attachments: Resolution 2080; Development Agreement

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Community Development	<i>Approvals:</i>	Yes No
	Date:	Chair/Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember NAME	<input type="checkbox"/> <input type="checkbox"/>
	Forward to:	Consent	
		Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Commission/Board Review:			
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s): October 19 & November 2, 2010	Public Hearing Date(s): October 26, 2010
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director: <i>John P. Vodopich, AICP</i>	Mayor:	Date Reviewed by City Attorney: October 1, 2010 (if applicable):

RESOLUTION NO. 2080

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN A DEVELOPMENT AGREEMENT WITH SWISS SPORTMANS CLUB OF TACOMA

WHEREAS, Chapter 36.70B authorizes local governments to enter into development agreements that set forth the “development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement”; and

WHEREAS, the City desires to enter into a development agreement with the Swiss Sportmans Club of Tacoma, the owners of real property at 21514 SR 410, Bonney Lake, WA; and

WHEREAS, RCW 36.70B.200 requires development agreements to be approved by ordinance or resolution after a public hearing; and

WHEREAS, a public hearing was held on October 26, 2010;

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby authorize the mayor to sign a Development Agreement with the Swiss Sportmans Club of Tacoma, for the development of a restroom/shower facility with an attached covered patio area.

PASSED by the City Council this day of 2010.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

DEVELOPMENT AGREEMENT

This DEVELOPMENT AGREEMENT ("Agreement") is made between the City of Bonney Lake, Washington ("City") and Swiss Sportsmans Club of Tacoma ("Swiss Park") (hereinafter collectively referred to as "the Parties"), under the authority of RCW 36.70B.170 et seq.

RECITALS

WHEREAS, Swiss Park intends to construct an approximately 960 square foot restroom/shower facility with an approximately 860 square foot attached covered patio area; and

WHEREAS, the Swiss Park project is located in the Public Facilities (PF) zone, which does not allow commercial structures; and

WHEREAS, the Bonney Lake Municipal Code exempts in excess of 250 feet from a sewer main from connecting to sewer, unless the development is a commercial structure, residential subdivision, or multi-family residential structure; and

WHEREAS, the Swiss Park property is in excess of 250 feet of a public sewer line; and

WHEREAS, the City Public Works Standards require frontage improvements for commercial and residential development; and

WHEREAS, a restroom/shower facility in a private, non-profit recreational facility is neither a commercial nor a residential use, but is properly considered a public facilities use; and

WHEREAS, under RCW 36.70B.170, cities are authorized to enter into development agreements for real property in order to "set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement."

NOW, THEREFORE, the Parties agree as follows:

The purpose of this Development Agreement is to determine that the proposed restroom/shower facility is a public facilities use, not a commercial, or residential use, and therefore does not require connection to the public sewer system or frontage improvements along 198th Avenue East. The Swiss Park must adhere to all City planning and permitting requirements, which are unaffected by this agreement. The following terms shall govern the Development:

- A. This Development Agreement shall be for the construction of an approximately 960 square foot restroom/shower facility with an approximately 860 square foot attached covered patio area. Any future development on-site may require connection to the public sewer system; connection to and extension of City water to the site; and/or

frontage improvements along 198th Avenue East including, but not limited to curb, gutter, and sidewalk improvements.

- B. Prior to the issuance of a building permit for this project, Swiss Park will submit to the City a copy of a valid written permit from the Pierce County Health Department for an on-site septic system designed and approved to accommodate this use.
- C. Per RCW 36.70B.170 (4), the City reserves the authority to impose new or different regulations to the extent required by a serious threat to public health and safety.
- D. Per RCW 36.70B.190, the City shall record this Agreement with the Pierce County Auditor, and this Agreement shall bind the Parties' heirs, successors, and assigns for the duration of the Agreement.
- E. This Agreement shall be in effect from the date of its ratification by resolution after a public hearing by the Bonney Lake City Council per RCW 36.70B.200 for a period of ten years. Provided, however, that Swiss Park shall complete construction of the shower/restroom facilities within eighteen months or the Agreement shall be null and void.

Landowners & Developers

By:  10-25-10

Dave Henline, Treasurer
Swiss Sportsman's Club of Tacoma
Authorized Representative

City of Bonney Lake

By: _____
Neil Johnson, Jr., Mayor

**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> PW / Doug Budzynski	<u>Workshop / Meeting Date:</u> 09 Nov 2010	<u>Agenda Bill Number:</u> AB10-168
<u>Ordinance Number:</u>	<u>Resolution Number:</u> 2081	<u>Councilmember Sponsor:</u> Jim Rackley

Agenda Subject: North Lake Debra Jane Water Main Replacement Contract with Jennings Northwest LLC

Proposed Motion: AB10-168 - Resolution 2081 - A Resolution of the City of Bonney Lake, Pierce County, Washington, Awarding the North Lake Debra Jane Water Main Replacement Project to Jennings Northwest LLC.

Administrative Recommendation:

Background Summary: The City will be replacing 8,298 linear feet of water main along the North side of Lake Debra Jane as part of the Leaky Main Project. We will be replacing water mains on 187th Ave, 188th Ave, 190th Ave, 193rd Ave, and 68th St.

The City opened bids for the project on October 27, 2010. The City received 12 bids and Jennings Northwest LLC was the apparent low bidder with a bid of \$933,944.92. This bid was 25.4% below the engineers estimate of \$1,252,658.13. After meeting with the contractor, PW staff has determined that their bid proposal is consistent with the requirements of the contract and bid specifications.

BUDGET INFORMATION:

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
\$1,400,000.00	\$1,074,036.66	\$1,265,000.00	\$190,963.34

Budget Explanation:

2010 Budget for this project is from the PWTF Loan, PC08-951-004.
Acct: 401.068.034.594.34.63.04

Design = \$135,000
Construction Contract Amount: \$933,944.92
10% Contingency: \$93,394.49
5% Const. Eng.: \$46,697.25
Total: \$1,074,036.66

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Community Development Committee - 01 Nov 2010

Commission/Board Review Date: -

Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s):

Meeting Date(s): 9 November 2010

Public Hearing Date(s):

Tabled To Date:

Signatures:

Director Authorization DLG	Mayor	Date City Attorney Reviewed
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Action Item #2

COMMUNITY DEVELOPMENT COMMITTEE

DATE: November 1, 2010

ORIGINATOR: King Cooper

TITLE: Project Manager

SUBJECT: Motion to Award the North Lake Debra Jane Water Main Replacement Project to Jennings Northwest LLC.

The City will be replacing 8,298 linear feet of water main along the North side of Lake Debra Jane as part of the Leaky Main Project. The City opened bids for the project on October 27, 2010. The City received 12 bids and Jennings Northwest LLC was the apparent low bidder with a bid of \$933,944.92. The engineers estimate was \$1,252,658.13. After meeting with the contractor, PW staff has determined that their bid proposal is consistent with the requirements of the contract and bid specifications.

ORDINANCE/RESOLUTION: 2081

REQUEST OR RECOMMENDATION BY ORIGINATOR:

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE
FINANCE DIRECTOR _____
CITY ATTORNEY _____

<u>2010 Budget Amount</u>	<u>Current Balance</u>	<u>Required Expenditure</u>	<u>Remaining Balance</u>
\$1,400,000.00	\$1,265,000.00	\$1,074,036.66	\$190,963.34

Explanation:

2010 Budget for this project is from the PWTF Loan, PC08-951-004.

Acct: 401.068.034.594.34.63.04

Design: \$135,000.00 C

Contract Amount: \$933,944.92

10% Contingency: \$93,394.49

5% Const. Eng.: \$46,697.25

Total: \$1,074,036.66

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

	<u>DATE</u>	<u>APPROVED</u>	<u>DISAPPROVED</u>
James Rackley, Chairman	<u>11-1-10</u>	<u><i>James Rackley</i></u>	_____
Randy McKibbin	<u>11-1-10</u>	<u><i>Randy McKibbin</i></u>	_____
Donn Lewis	<u>11-1-10</u>	<u><i>Donn Lewis</i></u>	_____

COMMITTEE COMMENTS: _____

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK

CITY ATTORNEY

Please schedule for City Council Meeting date of: November 9, 2010

Consent Agenda: Yes No

RESOLUTION NO. 2081

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AWARDDING THE NORTH DEBRA JANE WATER MAIN REPLACEMENT CONTRACT TO JENNINGS NORTHWEST LLC.

WHEREAS, the City Council approved the contract with RH-2 Engineering for the design of the North Debra Jane Water Main Replacement Project ; and

WHEREAS, the City Council advertised the North Debra Jane Water Main Replacement Project and opened bids on October 27, 2010 and has determined the lowest responsible bid for this contract was received from Jennings Northwest LLC ; and

WHEREAS, the City Council adopted this project as part of the Leaky Main Replacement Program in the Water CIP budget for construction in 2010 ; and

NOW, THEREFORE, BE IT RESOLVED that the City of Bonney Lake Council does hereby authorize the Mayor to sign the attached contract with Jennings Northwest LLC in the amount of \$933,944.92 which includes tax.

BE IT FURTHER RESOLVED that the City of Bonney Lake Council does hereby authorize the a 10% Construction Contingency (\$93,394.49) amount based on the contract bid amount as well as a 5% Construction Engineering (\$46,697.25) amount based on the contract bid.

PASSED by the City Council this 9th day of November, 2010.

Neil Johnson, Jr., Mayor

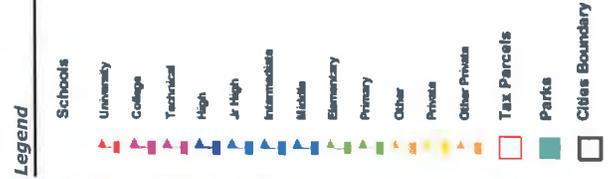
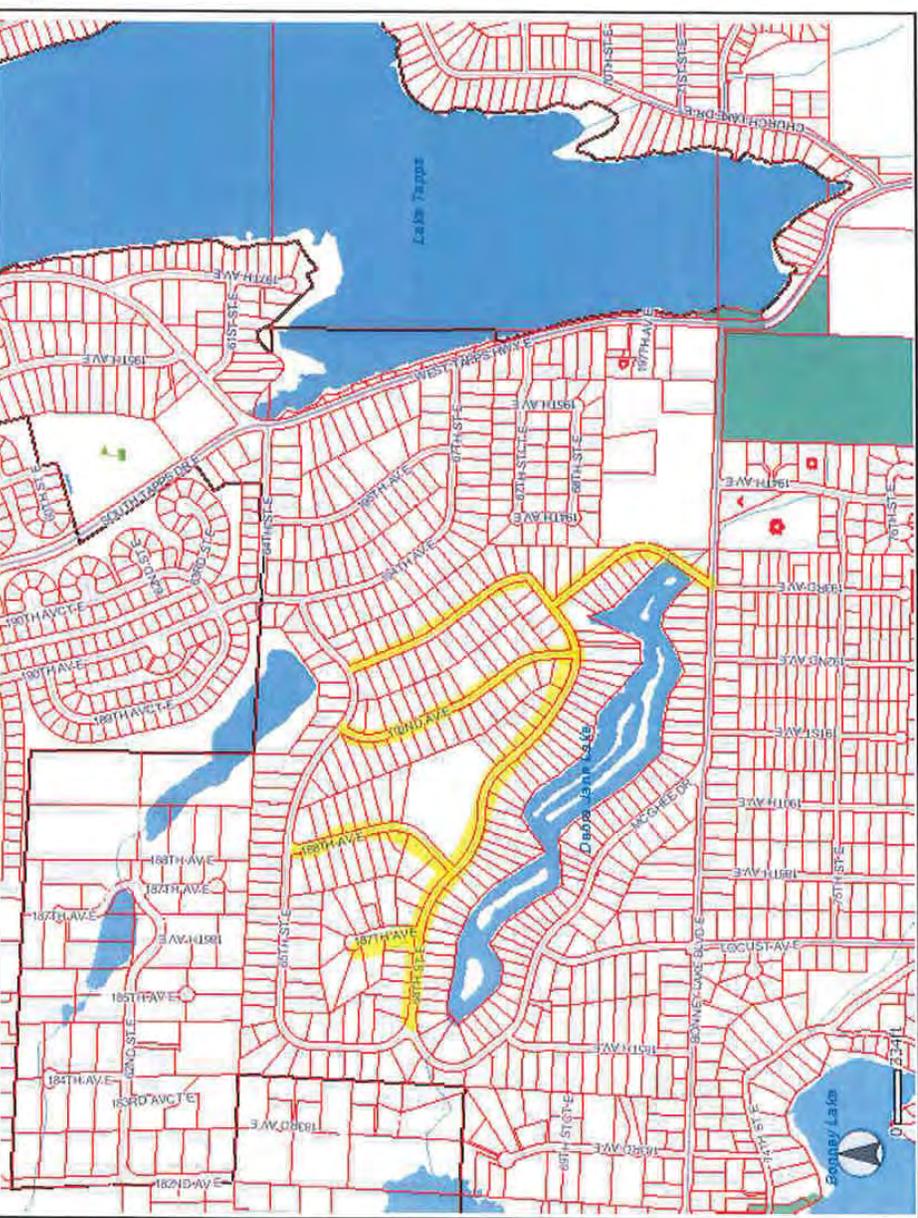
ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

null
October 27, 2010



Disclaimer: The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. The County assumes no liability for variations ascertained by actual survey. **ALL DATA IS EXPRESSLY PROVIDED 'AS IS' AND 'WITH ALL FAULTS'**. The County makes no warranty of fitness for a particular purpose.

CITY OF BONNEY LAKE CONTRACT

THIS CONTRACT, is made and entered into this ____ day of _____, 20__ by and between the CITY OF BONNEY LAKE, a Washington municipal corporation, hereinafter referred to as the "Owner" and _____, hereinafter referred to as the "Contractor."

WITNESSETH:

WHEREAS, the Owner desires to have certain work, services and/or tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, the Contractor represents that the Contractor is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, to perform the work, services and/or tasks set forth in this Agreement; and

WHEREAS the Owner has heretofore caused to be prepared certain plans and specifications described as the _____ and the Contractor did on the ____ day of _____, 2010, file with the Owner a proposal to construct said work and agreed to accept as payment therefore the sum fully stated and set forth in the proposal; and

WHEREAS, the said Contract Documents fully and accurately described the terms and conditions upon which the Contractor proposes to furnish said equipment, labor, materials, and appurtenances and perform said work, together with the manner and time of furnishing same;

IT IS THEREFORE AGREED, first, the Contractor shall perform such work and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Contractor responsibilities throughout this Agreement and as detailed in the plans and specifications described as _____. It is agreed that a copy of said General Conditions and other Contract Documents filed with the Owner, as aforesaid, do, in all particulars, become a part of this Agreement by and between the parties hereto in all matters and things therein set forth and described;

AND FURTHER, that the Owner and the Contractor hereby accept and agree to the terms and conditions of said Contract Documents as filed as completely as if said terms and conditions and plans were herein set out in full.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

CITY OF BONNEY LAKE

CONTRACTOR: _____

Neil Johnson, Jr., Mayor

By _____
Title _____

Date: _____

Date: _____

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: ASD / Edvalson	Meeting/Workshop Date: 9 November 2010	Agenda Bill Number: AB10-179
Agenda Item Type: Motion	Ordinance/Resolution Number:	Councilmember Sponsor:

Agenda Subject: Special Joint City Council/Planning Commission/Design Commission Meeting on November 18, 2010 at 5:30 p.m.

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting A Special Joint Meeting Of The City Council, Planning Commission And Design Commission At 5:30 P.M. On November 18, 2010 At The City Hall Council Chambers.

Administrative Recommendation: Approve.

Background Summary: At the Council Workshop of October 19th, the City Council suggested establishing a joint special meeting to discuss the creation of a mid-town development plan. The Council suggested the invitation to have the Planning Commission and Design Commission join with the Council to discuss this issue.
Attachments: None.

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: There is no budget impact from this proposed motion.			

COMMITTEE, BOARD & COMMISSION REVIEW				
Council Committee Review:	<i>Approvals:</i>		Yes	No
Date:	Chair/Councilmember	NAME	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	NAME	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	NAME	<input type="checkbox"/>	<input type="checkbox"/>
Forward to:	Consent			
	Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Commission/Board Review:				
Hearing Examiner Review:				

COUNCIL ACTION	
Workshop Date(s): 10/19/10	Public Hearing Date(s):
Meeting Date(s): 11/09/10	Tabled to Date:

APPROVALS		
Director: <i>HTE</i>	Mayor:	Date Reviewed by City Attorney: N/A (if applicable):